

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-23723-2021
Decided on : 28.10.2021**

Malkiat Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Amit Arora, Advocate
for the petitioner.

Mr. N. K. Banka, DAG, Punjab.

Mr. Jagjeet Singh, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 274 dated 26.10.2020 registered under Sections 326, 324 and 34 of the Indian Penal Code, 1860 registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 09.12.2020 (Annexure P-2).

When the matter came up before a Coordinate Bench of this Court on 20.08.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel states that pursuant to order dated 05.07.2021, the petitioners joined investigation on

04.08.2021 and interim protection granted to them was made absolute vide order dated 06.08.2021 passed by the learned Addl. Sessions Judge, Tarn Taran. Copy of order dated 06.08.2021 produced by learned counsel is taken on record.

Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No. 274 dated 26.10.2020 registered under Sections 326, 324, 34 IPC, at Police Station City Tarn Taran, District Tarn Taran along with all consequential proceedings emanating therefrom on the basis of compromise, Annexure P-2 dated 09.12.2020 as well as the decision of Hon'ble the Full Bench of this Court in Kulwinder Singh and Others v. State of Punjab and another, 2007 (3) RCR (Crl.) 1052.

Notice of motion.

Mr. Balbir Singh Sewak, Addl.A.G., Punjab accepts notice on behalf of respondent No. 1 and states that he does not wish to file reply nor he has any objection to the prayer in view of amicable settlement of the dispute amongst the parties vide compromise, Annexure P-2 dated 09.12.2020 as well as the judgment cited by learned counsel for the petitioners.

Likewise, Mr. Jagjeet Singh, Advocate puts in appearance and accepts notice on behalf of respondent No.2 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of compromise, Annexure P-2 dated 09.12.2020 as well judgment cited by learned counsel for the petitioner.

Accordingly, in view of the position as noted above, the parties are directed to put in appearance before the

learned Illaqa Magistrate/ Duty Magistrate concerned for recording of their statements in terms of compromise, Annexure P-2 dated 09.12.2020 on 21.09.2021 or any other date thereafter, convenient to the learned Illaqa Magistrate/ Duty Magistrate concerned.

Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.

List on 28.10.2021.

Reply, if any, be filed in the meantime.”

In pursuance of the said order, a report has been submitted by the Chief Judicial Magistrate, Tarn Taran to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Report of ahlmad of the Court is called as per which no paper relating to this FIR is pending before this Court or lying in his custody. Statement of IO ASI Jogeinder Singh no. 74/TT, PS City, Tarn Taran is recorded to the effect that FIR No. 274 of dated 26.10.2020 under Section 326, 324, 34 of IPC, Police Station:-City, Tarn Taran was registered on the complaint of Harjit Singh against three accused persons namely Malkiat Singh S/o Mukhtiar Singh, Angrej Singh S/o Mukhtiar Singh and Piar Kaur W/o Mukhtiar Singh all residents of village Khara, Tehsil and District Tarn Taran. No other complainant, injured or accused is involved in this FIR. No other person except above said accused has been

nominated as accused in this FIR. As per his record, no one is declared Proclaimed Offender. No cross-case is registered between the parties. Investigation is still in progress and Challan is not presented yet.”

The parties suffered their statements voluntarily before Court as they have compromised their dispute with the intervention of respectable of locality which seems to be genuine.

Report submitted for kind perusal.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No. 2-complainant has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

As per the Full Bench judgment of this Court in

“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR

(Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”***, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled and

the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 274 dated 26.10.2020 registered under Sections 326, 324 and 34 of the Indian Penal Code, 1860 registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 09.12.2020 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

28th October, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No