

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25569-2021

Date of decision : 12.11.2021

Jagir Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gagandeep Singh Sirphikhi, Advocate
for the petitioners.

Mr.Karanbir Singh, AAG, Punjab.

Mr.Vishal Sodhi, Advocate
for respondents no.2 to 4.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of case FIR No.50 dated 11.03.2021 (Annexure P-1) registered under Sections 326/323/324/34 IPC at Police Station Civil Lines Batala, Police District Batala and all other consequential proceedings arising therefrom on the basis of compromise deed dated 06.04.2021 (Annexure P-2).

On on 07.07.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“By filing this petition, quashing of FIR No.50 dated 11.03.2021 under Sections 326, 323, 324 and 34 IPC registered at Police Station Civil Lines Batala, Police District Batala and all other subsequent

proceedings arising therefrom has been sought on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab accepts notice on behalf of respondent No.1/State and Mr. Vishal Sodhi, Advocate accepts notice on behalf of respondents No. 2 to 4.

Parties may appear before concerned trial Court/Duty Magistrate on 30.07.2021 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 28.09.2021.”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Batala. The relevant portion of the said report is reproduced hereinbelow:-

“ The para-wise report is as under:-

(I) After considering the statements of the parties, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.

(II) As per the statement of I.O., no remand papers / challan is pending against the present accused-petitioners in the Court.

(III) As per the statement of I.O., no other proceeding

is pending against the accused-petitioners.

The copies of the Aadhar Cards of the complainant-respondents/-victims are Ex.C1 to C3 and the copies of the Adhaar Cards of the petitioners/accused are Ex.A1 to A3.

Submitted please.”

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

Learned counsel for respondents no.2 to 4 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 parties. He prayed that FIR and subsequent proceedings may be quashed.

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 learned 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, this petition is allowed and FIR No.50 dated 11.03.2021 (Annexure P-1) registered under Sections 326/323/324/34 IPC at Police Station Civil Lines Batala, Police District Batala, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 12, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No