

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

214

**CRM-M-26182-2021
Decided on : 16.11.2021**

Shaquin Singh and another

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Nirmaljit Singh Sidhu, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Tejinder Singh Hundal, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of General Diary No. 52 dated 14.05.2021 registered under Sections 325, 148, 149 and 506 of the Indian Penal Code, 1860 registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) in FIR No. 92 dated 14.05.2021 registered under Sections 323, 324, 148, 149 and 506 of the Indian Penal Code, 1860 (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of the compromise dated 16.06.2021 (Annexure P-3).

When the matter came up before this Court on 01.09.2021, the following order was passed:-

“Learned counsel for the petitioners submits that due to a communication gap, compliance could not be made to the

order dated 09.07.2021. He, however, undertakes that all the parties concerned would appear before the learned trial Court/Illaqa Magistrate within a period of one month from today. .

Accordingly, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two months.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 16.11.2021 for awaiting report.”

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Dasuya to the Assistant Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance to the aforesaid order passed by the Hon'ble Punjab and Haryana High Court in CRM-M-26182-2021, it is respectfully submitted that the point wise report of undersigned is as follows:-

- I. As per the statement of Investigating Officer and record, there are only two persons are arrayed as accused in the present DDR.*

II. As per the statement of Investigating Officer and record, none of the accused has been declared proclaimed offender in the present FIR.

III. In view of the statement recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.

IV. As per the statement of Investigating Officer, none of accused has been involved in any other case.

V. As per the statement of Investigating Officer, there is only one complainant namely Balkar Singh and two injured namely Baljinder Kaur and Harpinder Singh.

As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself..”

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 as proclaimed person/offender in the present case.

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

Learned counsel for respondent Nos. 2 to 4 has reiterated the factum of compromise and has prayed for quashing of FIR, on the basis of the same.

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 petitioner 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.

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 is of the opinion that the same is 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”

In view of what has been discussed hereinabove, the petition is allowed and General Diary No. 52 dated 14.05.2021 registered under Sections 325, 148, 149 and 506 of the Indian Penal Code,1860 registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) in FIR No. 92 dated 14.05.2021 registered under Sections 323, 324, 148, 149 and 506 of the Indian Penal Code,1860 (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of the compromise dated 16.06.2021 (Annexure P-3), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

16th November, 2021

Mehak

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No