

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

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**CRM-M-26409-2021
Decided on : 11.11.2021**

Sandeep Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Kuljit Singh Bal, Advocate
for the petitioners.

Mr. A. K. Kaundal, DAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 34 dated 05.04.2013 registered under Sections 447, 511, 147 and 149 registered at Police Station Kotwali Nabha, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 29.06.2021 (Annexure P-2).

When the matter came up before a Coordinate Bench of this Court on 14.07.2021, the following order was passed:-

“Case heard via video conferencing.

This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioners and respondent no.2, of FIR no.34, dated 05.04.2013 (as also all other subsequent proceedings arising therefrom), registered at Police Station Kotwali Nabha, District Patiala, for the alleged commission of offences punishable under Sections 447, 511, 147 and 149 of the IPC. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice on behalf of respondent no.1. Respondent no.2 be served by normal process.

A copy of the petition be e-mailed to learned State counsel by learned counsel for the petitioners today itself.

Adjourned to 10.09.2021.

In the meanwhile, the petitioner, as also respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 12.08.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioner.”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Nabha to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“From the aforesaid statements of the affected parties, it apparently appears that the parties have voluntarily, without any pressure or coercion, entered into the compromise between themselves and have settled the matter amicable and said compromise appears to be genuine.

It is pertinent to mention here that except the complainant Gurmeet Singh and seven accused namely Sandeep Singh, Narinder Singh, Amrinder Singh, Ranjit Singh, Lalit Kumar, Nirmal Singh and Maghar Singh, there is no other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Hon'ble Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Hence I am sending my aforesaid reprot as per the directions of Hon'ble Punjab and Haryana High Court. Copies of the statements of the accused namely Sandeep Singh, Narinder Singh, Amrinder Singh, Ranjit Singh, Lalit Kumar, Nirmal Singh and Maghar Singh and complainant namely Gurmeet Singh, copy of compromise dated 29.06.2021, copy of order dated 14.07.2021, photocopies of adhaar cards of accused persons namely Sandeep Singh, Narinder Singh, Amrinder Singh, Ranjit Singh, Lalit Kumar, Nirmal Singh and Maghar Singh and complainant namely Gurmeet Sngh, are also annexed herewith for kind perusal.

Thanking you,”

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.

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 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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 34 dated 05.04.2013 registered under Sections 447, 511, 147 and 149 registered at Police Station Kotwali Nabha, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 29.06.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

11th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No