

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

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**CRM-M-28256-2021
Decided on : 16.12.2021**

Buta Ram and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Madhu Jangra, Advocate for
Mr. Himanshu Rao, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. S. S. Aviraj, Advocate
for the respondent Nos. 2 to 7.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 24 dated 13.04.2021 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 (Section 325 of IPC added later on) registered at Police Station Bholath, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 23.04.2021 (Annexure P-2).

When the matter came up before this Court on 15.09.2021, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.24 dated 13.04.2021 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 (Section 325 of IPC has been added later on) at Police Station Bholath, District Kapurthala (Annexure P-1) and all the

subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 16.12.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. S.S. Aviraj, Advocate appears on behalf of the private respondents.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one month.

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.”*

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

“In compliance of the said order, parties have appeared on 21.09.2021, and their statements under the identification of

their respective counsel were recorded. As per their statements, the compromise has been arrived in between the parties voluntarily without any pressure or coercion through the respectables of the locality, and except the present case, they are not involved in any other case, and none of them is declared as proclaimed offender. Further, it is hereby intimated that as per the statement of ASI Ravinder Singh No.1440/Kpt, PS Bholath, District Kapurthala, the present FIR was registered against total five accused namely Buta Ram S/o Ajit Kumar, Akash S/o Deepak Kumar, Akash, Deep @ Gurdit Singh S/o Charan Singh, Manna @ Kaka @ Maninder Singh S/o Om Parkash & Kuwinder Kumar @ Vicky S/o Yusuf Chand; and none of the accused is declared as proclaimed offender in this case; and except the present FIR, accused/petitioners are not involved in any other FIR; and in this case, only one complainant is there whose name is Dr. Kulwinder Singh and he is the victim, as well. In this regard, statements of Ravinder Singh No.1440/Kpt, PS Bholath, District Kapurthala, has also been recorded. Requisite statements of the parties, recorded in this Court, are being sent herewith. This is for your kind information and necessary action.

Submitted please.”

Alongwith the said report, the joint statement of all the complainants/victims has been recorded to the effect that the compromise has been effected with their free will without any coercion, pressure or undue influence. In addition, the photographs of the complainants have been annexed with the same. A perusal of the above would show that the matter has been compromised and the parties have no objection in case the FIR is quashed.

Learned counsel for the petitioners has submitted that none of the petitioner were declared proclaimed offender in the present case and are not involved in any other case. Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent Nos. 2 to 7 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 FIR No. 24 dated 13.04.2021 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 (Section 325 of IPC added later on) registered at Police Station Bholath, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 23.04.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 16th, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No