

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

(227)

CRM-M-28462-2021.
Date of Decision:-29.10.2021.

Sukhpal Singh alias Pala and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harmanpreet Sehgal, Advocate for the petitioners.

Mr. N.K. Banka, DAG, Punjab, for respondent No.1.

Mr. Ajit Pal Singh Pakka, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.175 dated 20.09.2018, registered under Sections 295-A, 323 and 34 of IPC at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 04.05.2021 (Annexure P-2).

On 22.07.2021, this Court has passed the following order:-

“Present petition has been filed under Section 482

Cr.P.C. seeking quashing of the FIR No. 175 dated 20.09.2018,

under Sections 295-A, 323, 34 IPC registered at Police Station

City Malout, District Sri Muktsar Sahib and all subsequent

CRM-M-28462-2021

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

Notice of motion.

Mr. Sukhbeer Singh, Asst. A.G., Punjab accepts notice on behalf of respondent No.1/State and Mr. Tarun Jhatta, Advocate accepts notice on behalf of respondent No.2.

Parties may appear before concerned trial Court/Duty Magistrate on 25.08.2021 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 29.10.2021.”

In pursuance of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Malout. The relevant portion of the said report is reproduced hereinbelow:-

“From the aforesaid statements of the concerned parties, it appears that:-

CRM-M-28462-2021

(1) *The parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise seems to be voluntary, genuine and true.*

(2) *Both the accused persons are appearing today in the court and are on anticipatory bail furnished before police and challan has not been presented in this case against them in the court till date.*

(3) *No other proceedings are pending against the **accused Sukhpal Singh** whereas one FIR bearing no.124 under Section 3(1), 4, 5 (1) (a), 6 (a), 25 of the Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse Act) 120-B IPC PS City Muktsar has been registered against **other accused Roshan Singh @ Roshan Lal** in which challan has not yet been presented.*

(4) *Hence, I am submitting my aforesaid report in compliance of the directions of Hon'ble Punjab & Haryana High Court, Chandigarh. Copy of compromise deed Ex.C1, copies of statements of the aforesaid persons along with copies of Ex.C-2 to Ex.C-4, are annexed herewith for kind perusal as directed please.*

Thanking you,

Yours faithfully,

Encl: As above.

Sd/-

CRM-M-28462-2021

(Neeraj Goyal)
Sub Divisional Judicial Magistrate.
Malout. (UID PB0365).”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid.

It is stated that against Roshan Singh @ Roshan Lal, one more FIR has been registered, however, the registration of the said FIR would not come in the way of allowing of the present petition.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders 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 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 families.

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

CRM-M-28462-2021

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.

CRM-M-28462-2021

In view of what has been discussed hereinabove, this petition is allowed and FIR No.175 dated 20.09.2018, registered under Sections 295-A, 323 and 34 of IPC at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

October 29, 2021.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No