

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

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**CRM-M-30159-2021
Decided on : 30.09.2021**

Jasbir Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
(Through Video Conferencing)**

PRESENT: Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Raman Kumar, Advocate for
Mr. Prashant Vashisht, Advocate
for respondents No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 36 dated 17.02.2021 registered under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860 registered at Police Station Civil Lines, District Police Commissionerate Amritsar, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 19.07.2021 (Annexure P-2).

When the matter came up before a Co-ordinate Bench of this Court on 30.07.2021, the following order was passed:-

“This is a petition for quashing of F.I.R. on the basis of compromise said to have been arrived between petitioner accused Jasbir Singh and respondent No. 2 complainant Inwinder Singh Sethi @ Inwinder Singh. It is stated that on completion of investigation challan in this case has been filed

in the Court.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab has accepted notice on behalf of State of Punjab and Mr. Parshant Vashisht, Advocate has appeared on behalf of the complainant respondent No. 2 by filing vakalatnama, which be taken on record. He admits the factum of compromise having taken place between petitioner and respondent No.2 complainant.

Under the circumstances, the parties are directed to appear before trial Court within one month from today, so as to get their statements recorded regarding compromise. The trial Court is to report whether the compromise has been entered into voluntarily, without any threat or coercion and the same is genuine. It be also intimated whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by next date of hearing.

Adjourned to 30.9.2021. ”

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

“3. As per the statements suffered by both the parties it appears that the parties have entered into a genuine compromise as per their free will and without any threat or coercion.

4. Further as stated by the Investigating Officer, none of the accused in this case has been declared as a proclaimed offender. The compromise effected between the parties is genuine. Hence, proper compromise has been made of the order of Hon'ble High Court Punjab & Haryana as stated above. The requisite report is presented in this regard for kind

*perusal of your goodself and for further proceedings.
Submitted please.”*

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 petitioner has submitted that the petitioner was not declared proclaimed offender 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-complainant 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 parties.

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. 36 dated 17.02.2021 registered under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860 registered at

Police Station Civil Lines, District Police Commissionerate Amritsar, Amritsar and all subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties, vide affidavit dated 19.07.2021 (Annexure P-2), are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

30.09.2021
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No