

224-A

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

CRM-M-26622-2020

Date of decision : 05.03.2021

Jaswinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepanshu Mehta, Advocate for the petitioners.

Mrs. Samina Dhir, DAG, Punjab.

Mr. Santosh Yadav, Advocate for respondent No.2.

RAJ MOHAN SINGH, J. (ORAL)

- 1) Prayer in this petition is for quashing of FIR No.26 dated 10.05.2018 registered under Sections 336, 427, 506, 148, 149 of IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 at Police Station Samalsar, District Moga, along with all the subsequent proceedings arising therefrom, on the basis of compromise.
- 2) Notice of motion was issued on 08.09.2020 and the parties were directed to appear before the Duty Magistrate/Trial

Court for recording their statements in the context of genuineness of compromise in question. The trial Court was directed to report on different parameters vis-a-vis the status of accused, number of accused and the complainant/injured and genuineness of compromise in question.

3) In compliance of the aforesaid order, a report has been received from the Sub Divisional Judicial Magistrate, Baghapurana. Relevant part of the said report reads as under:-

With due respect it is submitted that vide order dated 08.09.2020 passed by Hon'ble Punjab and Haryana High Court in CRM-M No. 26609 of 2020, the parties were directed to appear before this court on 05.10.2020 for getting recorded their statements with regard to compromise and this court was directed to submit report with regard to the number of accused arraigned in the FIR and how many appeared and made statements and whether any accused is absconding /P.O. in the case, the name of complainant and injured/aggrieved and whether all of them appeared and made their statements in support of the compromise, stage of trial, genuineness of compromise and whether any other criminal case is pending against the accused. In compliance of order of Hon'ble Punjab and Haryana High Court dated 08.09.2020, both the parties i.e. complainant Sukhpreet Kaur and accused/petitioners Jaswinder Singh, Parkash

Kaur, Harpreet Kaur, Harmanbir Singh and Gamdoor Singh appeared in the court on 19.10.2020 and got recorded their statements separately.

2. Complainant/respondent stated in her statement that she has lodged the FIR no.26 dated 10.05.2018, under Sections 336, 427, 506, 148, 149 1PC and under Sections 25, 54, 59 of Arms Act at P.S. Smalsar against above mentioned accused. With the intervention of respectables, she has arrived at a compromise with the above mentioned accused persons. Now she does not want to proceed with the present case and she does not want to take any action against the accused person in the above mentioned case. She further stated that she has seen the photocopy of written compromise dated 19.06.2020 and she has already received amount of Rs.25,00,000/- (Twenty Five lac rupees) from the accused Jaswinder Singh out of Rs.50,00,000/- the total amount to be received by her and today she has received Cheque bearing no.000047 dated 19.10.2020 for a sum of Rs.25,00,000/- drawn on HDFC Bank, Branch Faridkot as per compromise as per statement given in FIR No. 22 dated 21.03.2020 and now nothing is due against Jaswinder Singh or anyone else i.e. parties. Complainant stated that she has no objection in case the quashing proceedings pending in the Hon'ble Punjab and Haryana High

Court be accepted and FIR against the accused be quashed. She further stated that the compromise has been effected without any pressure or compulsion and with their free will and she suffered the statement in the court without any undue influence.

3. Thereafter, above mentioned accused namely Jaswinder Singh, Parkash Kaur, Harpreet Kaur, Harmanbir Singh and Gamdoor Singh got recorded their joint statement to the effect that they have heard the statement of the complainant. They further stated that with the intervention of respectables, they have arrived a compromise with the complainant. They further stated that they have already filed quashing proceedings which is pending in the Hon'ble Punjab and Haryana High Court. They have compromised the matter without any pressure or compulsion and with their free will and they have suffered the statements in the court without any pressure. Further submitted that in view of the compromise, the FIR be quashed.

It is submitted that five persons namely Jaswinder Singh, Parkash Kaur, Harpreet Kaur, Harmanbir Singh and Gamdoor Singh are the accused in this case and all the accused appeared in the court and made joint statement with regard to compromise and none of the accused has been declared as proclaimed offenders. Sukhpreet Kaur is the complainant and Arashdeep Singh is eye-witness in his case and

complainant appeared in the court and made separate statement in support of the compromise. No other criminal is pending against the accused. It is also submitted that having recorded the statements of the parties and after orally inquired from them, this court is of the considered opinion that compromise effected between the parties is genuine, voluntarily and without any threat or coercion and out of free will of the parties.

Hence, the report is submitted as desired.”

4) Perusal of the aforesaid report would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.P.C can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

5) Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent

unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

6) Resultantly, FIR No.26 dated 10.05.2018 registered under Sections 336, 427, 506, 148, 149 of IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 at Police Station Samalsar, District Moga, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

7) Petition stands disposed of.

05.03.2021

Pawan

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No