

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

227

**CRM-M-33116-2021
Decided on : 16.09.2021**

Gurdeep Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Balbir Singh, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Himanshu Puri, Advocate
for respondents No. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing FIR No. 9 dated 21.01.2021 under Sections 323, 341, 324, 148, 149 and 326 IPC (Section 326 IPC added later on) registered at Police Station Macchiwara Sahib, Tehsil Samrala, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise deed dated 16.07.2021 (Annexure P-2).

When the matter came up before this Court on 16.08.2021, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.09 dated 21.01.2021 under Sections 323, 341, 324, 148, 149 and 326 of IPC (Section 326 IPC added later on) registered at Police Station Macchiwara Sahib, Tehsil Samrala

District Ludhiana (Annexure P-1) and subsequent proceedings arising from the same on the basis of compromise dated 16.07.2021 (Annexure P-2) effected between the petitioners and respondent No.2.

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

Notice of motion for 16.09.2021.

On asking of the Court, Mr. Saurav Khurana, D.A.G., Punjab appears and accepts notice on behalf of the respondent-State and Mr. Himanshu Puri, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

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 compliance report has been submitted by the Judicial Magistrate 1st Class, Samrala, to the Learned Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“(iv) In view of the statements of the parties and the Investigating Officer, the report is submitted as under:

1. Five persons were arrayed as accused in the FIR i.e. Accused Gurdeep Singh Mann, Mohit Chanana, Vishal, Armaan and one unknown person.

2. No accused is a proclaimed offender in the present case.

3. The compromise entered into between the parties is genuine and voluntary and the same has been effected between the parties out of their free will and consent, without any threat or pressure or undue influence.

4. The accused are not involved in any other FIR.

5. Statement of the Investigating Officer was recorded to the effect that there is only one complainant in the present case namely Harnek Singh and two victims i.e. complainant Harnek Singh and Gurjeet Singh.

(v) This report is being submitted in compliance of the aforesaid order of the Hon'ble High Court dated 16.08.2021 passed in CRM-M-33116-2021. Statements of all the concerned parties recorded in the Court are being sent herewith in original, along with photocopies of the written compromise and of the affidavit of complainant Harnek Singh in respect of the compromise, for the kind perusal of the Hon'ble High Court.”

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.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case. Learned counsel for the State has submitted 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 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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 9 dated 21.01.2021 under Sections 323, 341, 324, 148, 149 and 326 IPC (Section 326 IPC added later on) registered at Police Station Macchiwara Sahib, Tehsil Samrala, District Ludhiana and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Since the main petition has been decided, pending Criminal Miscellaneous Application, if any, shall stand disposed of.

(VIKAS BAHL)
JUDGE

16.09.2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No