

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

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**CRM-M-32594-2021
Decided on : 12.10.2021**

Tirath Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. L. S. Mann, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. K. S. Lakhanpal, Advocate
for respondents No. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 390 dated 17.11.2017 registered under Sections 452, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Nakodar Sadar, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 13.07.2021 (Annexure P-2).

When the matter came up before this Court on 12.08.2021, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.390 dated 17.11.2017 registered under Sections 452, 323, 427, 506, 148, 149 of IPC 1860 registered at Police Station Nakodar Sadar, District Jalandhar Rural and subsequent proceedings arising from the same on the basis of

compromise dated 13.07.2021 (Annexure P-2) effected between the petitioners and respondent Nos.2 to 4.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise. Sukhdeep Singh alias Seepa alias Bhundi S/o Malkiat Singh is stated to have died on 21.04.2019.

Notice of motion for 12.10.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Manoj R. Sharma, Advocate appears on behalf of respondent Nos.2 to 4.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 30 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 report has been submitted by the Sub Divisional Judicial Magistrate, Nakodar to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In pursuance of the directions issued by the Hon'ble Punjab & Haryana High Court, vide order dated 12.08.2021

passed by Hon'ble High Court of Punjab & Haryana, Chandigarh, in CRM-M 32594 of 2021 titled as 'Tirath Singh & Others Vs. State of Punjab and others', parties appeared on 07.09.2021 and their statements were recorded in writing.

(1) As per statement of SI Sarabjit Singh No. 93 Jal/Rural, Incharge PP Uggi, there are five persons arrayed as accused out of which one accused Sandeep Singh has died and now four accused namely Rupinder Singh @ Rana, Makhan Singh, Jarnail Asing hand Tirath Singh are facing trial.

(2) As per statement of SI Sarabjit Singh No. 93 Jal/Rural, Incharge PP Uggi, no accused is proclaimed offender in the present case.

(3) In view of the statements suffered by parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily and without any kind of influence or coercion.

(4) As per statement of SI Sarabjit Singh No. 93 Jal/Rural, Incharge PP Uggi, there is no other FIR has been registered against the accused persons.

(5) As per statement of SI Sarabjit Singh No. 93 Jal/Rural, Incharge PP Uggi, there are three victims namely Harbhajan Kaur complainant, Iqbal Singh and Balwinder Kaur in the FIR.

Parties made prayer that FIR be quashed. Applicants/ accused Tirath Singh, Jarnail Singh, Rupinder Singh @ Rana and Makhan Singh Singh are identified by Shri S. K. Bakshi, Advocate and Harbhajan Kaur complainant/victim, Iqbal Singh and Balwinder Kaur victims are identified by Shri Upesh Khattar, Advocate.

Report 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 petitioners has submitted that the none of the petitioners were 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 respondents No. 2 to 4 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 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. 390 dated 17.11.2017 registered under Sections 452, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860

registered at Police Station Nakodar Sadar, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties, vide compromise dated 13.07.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

12.10.2021
Mehak

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