

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32854-2021

Date of decision : 15.09.2021

Kuldeep Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.L.M.Gulati, Advocate
for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Ms.Jasneet Nehra, Advocate
for respondents no.2 & 3.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is petition filed under Section 482 Cr.P.C. for quashing of FIR No.89 dated 24.06.2017, registered under Section 452, 325, 323, 427, 148, 149 IPC at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

On 16.08.2021, this Court has passed the following order:-

*“This is a petition filed under Section 482 Cr.P.C.
for quashing of FIR No.89 dated 24.06.2017 under
Sections 452, 325, 323, 427, 148 and 149 of IPC
registered at Police Station Majitha, District Amritsar
Rural (Annexure P-1) and subsequent proceedings
arising from the same on the basis of compromise*

(Annexure P-2) effected between the petitioners and respondent Nos.2 and 3.

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

Notice of motion for 15.09.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Jasneet Mehra, 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 to the said order, the report has been submitted by the Judicial Magistrate Ist Class, Amritsar. As per the report, the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. The relevant part of the report is reproduced hereinbelow:-

“I am satisfied that compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. It is further submitted that as per the statement of investigating officer SI Som Nath No.860/ASR (Rural), Police Station Majitha, there are seven accused involved in the present case namely Kuldeep Singh, Sukhdev Singh, Jagdeesh Singh, Mangal Singh, Chiman Singh, Balwant Singh and Akashdeep Singh. The accused have never been declared as proclaimed offender in the present case. The accused have never been involved in any other FIR. It is further submitted that there is only one complainant in the present case namely Jasbir Singh son of Darshan Singh and there is one injured in the present case namely Gurcharan Singh son of Dilbagh Singh.

The report is being submitted please.

Thanking you,

Yours faithfully,

Sd/-

(Gursher Singh)

*Judicial Magistrate Ist Class,
Amritsar.*

UID No.PB0380.”

objection in case the FIR is quashed on the basis of compromise.

Learned counsel for respondent nos.2 and 3 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 parties. She prayed that FIR and subsequent proceedings may be quashed.

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, this petition is allowed and FIR No.89 dated 24.06.2017, registered under Section 452, 325, 323, 427, 148, 149 IPC at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

September 15, 2021

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No