

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

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**CRM-M-33271-2021
Decided on : 12.10.2021**

Manpreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

PRESENT: Mr. Ankur Bansal , Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Maninderjit Singh, Advocate
for the respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 02 dated 03.01.2009 registered under Sections 323, 324, 325, 326 and 34 of the Indian Penal Code, 1860 registered at Police Station Adampur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 05.02.2021 (Annexure P-4).

When the matter came up before this Court on 18.08.2021, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.02 dated 03.01.2009 registered under Sections 323, 324, 325, 326, 34 of the Indian Penal Code, 1860 at Police Station Adampur, Jalandhar and all the subsequent

proceedings arising therefrom on the basis of compromise (Annexure P-4).

Learned counsel for the petitioner has stated that initially the petitioner was declared as proclaimed offender and thereafter he had surrendered and had been granted bail vide order dated 20.03.2020 (Annexure P-3). It is further stated that three of the co-accused of the petitioner have already been acquitted. It has been submitted that now, the petitioner is only accused left and with whom also, respondent Nos.2 and 3 have compromised.

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. Maninderjit Singh, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the concerned 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 report has been submitted by
the Judicial Magistrate 1st Class, Jalandhar to the Registrar of this

Court. The relevant portion of the said report is reproduced hereinbelow:-

“Further, I have also examined the parties in person and my pointwise report is submitted as under:-

- (i) It is humbly submitted that only one person namely Manpreet Singh has been arrayed as accused in the present FIR who has appeared and got recorded his statement before undersigned and accused has been declared as proclaimed offender and the later on he was arrested and released on bail under the orders of Hon'ble High Court dated 20.03.2020 passed in CRM-M-10329-2020.*
- (ii) It is humbly submitted that I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion from any quarter. As such, in view of the statements of the parties as well as after their examination in the court, I am of the view that compromise has been validly effected between the parties to the abovesaid FIR as per their free will and without any kind of pressure, threat or undue influence.*
- (iii) It is humbly submitted that the accused are not involved in any other FIR.*
- (iv) It is humbly submitted that as per statement of ASI Surinderpal Singh, the complainant of the present FIR is Ranjit Singh but as per the allegation of FIR, the injuries were caused to the complainant and his son Kamaljit Singh.*

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 respondents No. 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 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. 02 dated 03.01.2009 registered under Sections 323, 324, 325, 326 and 34 of the Indian Penal Code, 1860 registered at Police Station Adampur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties, vide affidavit dated 05.02.2021 (Annexure P-4), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

12.10.2021

Mehak

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No