

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

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**CRM-M-33301-2021
Decided on : 30.09.2021**

Daljit Singh @ Jitu and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondent

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

PRESENT: Mr. Varinder Basa, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Umesh Sharma, Advocate
for respondents No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 74 dated 02.07.2021 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Qila Lal Singh, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 05.07.2021 (Annexure P-2).

When the matter came up before this Court on 17.08.2021, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 74 dated 02.07.2021 under Sections 323, 324, 148, 149 of IPC, 1860 registered at Police Station Qila Lal Singh, District Gurdaspur and subsequent proceedings arising from the same on the basis of compromise dated 05.07.2021 (Annexure P-2) effected between the parties.

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

Notice of motion for 30.09.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State. Mr. Yaseen Sethi, Advocate appears on behalf of respondent No.2 and filed his power of attorney. Same is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period two weeks. 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, Batala to the Deputy Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“It is further submitted that in this case, complainant is Ranjit Singh S/o Major Singh and all the parties between whom compromise has been effected appeared before the Court and suffered their statement w.r.t. Compromise. IT is further

submitted that Daljeet Singh @ Jeetu S/o Sucha Singh R/o Village Jaura Singha who is petitioner No. 7 in this case one another FIR No. 23 dated 20.04.2017, under Sections 302, 307, 341, 506, 427, 148, 149, 120-B of IPC and Section 25-54-69 of Arms Act, PS Tibbar, District Gurdaspur is pending.

It is submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence. This is for your kind perusal please.

Submitted please.”

A perusal of the said report would show that although the Judicial Magistrate 1st Class, Batala has reported that there is one more case against petitioner no. 7- Daljeet Singh @ Jeetu in FIR No. 23 dated 20.04.2017 in a heinous crime but it has also been observed that the compromise in the present case is genuine and without any fear, coercion or pressure. It has further 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.

Learned counsel for the petitioners has submitted that the petitioner was not 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 respondent No. 2-complainant 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. 74 dated 02.07.2021 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Qila Lal Singh, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties, vide affidavit dated 05.07.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

30.09.2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No