

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

(227)

CRM-M-33789-2021.
Date of Decision:-13.12.2021.

Maninder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhdeep Singh, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

None for respondent No.2.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.150 dated 13.10.2014, registered under Sections 341, 324, 506 of IPC (Section 326 of IPC added later on and Sections 149 and 148 of IPC deleted later on), at Police Station Urban Estate, District Patiala (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 10.08.2021 (Annexure P-3).

On 27.08.2021, this Court was pleased to pass the following order:-

*“This is a petition under Section 482 Cr.P.C. for
quashing of FIR No.150 dated 13.10.2014 (Annexure P-1)
under Sections 341, 324, 506 IPC (Section 326 IPC added later*

on) and Sections 149/148 (deleted later on) of IPC and all the consequential proceedings arising therefrom, on the basis of compromise Annexure P-3.

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

Notice of motion.

On the asking of the Court, Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Ramneek Singh Baweja, Advocate, accepts notice on behalf of respondent No.2. Learned counsel for respondent No.2 states that respondent No.2 has no objection in case the entire FIR is quashed.

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

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*

CRM-M-33789-2021

of the Investigating Officer as to how many victims/complainants are there in the FIR.

Adjourned to 15.11.2021.”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate (1st Class), Patiala to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“As directed by your good-self, the report is as under:-

- 1) The number of accused in the present case is one and his statement has been recorded. As per report the statement of police official-ASI Lakhwinder Singh No.2924, PS Anaj Mandi, Patiala recorded separately, the accused was not declared as proclaimed offender in this case and no other case registered against accused as per record of Police Station Lahori Gate, Patiala.*
- 2) The complainant/ aggrieved- Gurpreet Singh and accused Maninder Singh put in appearance before the undersigned and their statements regarding compromise were recorded.*
- 3) The compromise is genuine and without any pressure or undue influence of the parties.*

Report is submitted for your kind perusal.

Thanking you,

Yours faithfully

Sd/-

*(Abhay Rajan Shukla)
Judicial Magistrate (1st Class),
Patiala. UID No.(PB0547)”*

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 petitioner 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, as per instructions, has stated that this fact is correct.

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.

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

CRM-M-33789-2021

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”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.150 dated 13.10.2014, registered under Sections 341, 324, 506 of IPC (Section 326 of IPC added later on and Sections 149 and 148 of IPC deleted later on), at Police Station Urban Estate, District Patiala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 13, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No