

(234) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33411-2021

Date of Decision: 27.10.2021

Satpal @ Sattu and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the petitioners.

Mr. N.K. Banka, D.A.G. Punjab.

Mr. Sandeep Godara, Advocate
for respondents No.2 and 3.

VIKAS BAHL, J. (Oral)

Case is taken up for hearing through video conferencing.

This is a petition filed under Section 482 Cr.P.C for quashing of FIR No.232 dated 25.12.2020 under Sections 452, 323, 324, 148, 149 of IPC, 1860 registered at Police Station Garhshankar, District Hoshiarpur and subsequent proceedings arising therefrom on the basis of compromise dated 03.08.2021 (Annexure P-2) effected between the parties.

On 18.08.2021, when this matter came up for hearing, this Court was pleased to pass the following order:

“This is a petition filed under Section 482 Cr.P.C for quashing of FIR No.232 dated 25.12.2020 under Sections 452, 323, 324, 148, 149 of IPC, 1860 registered at Police Station Garhshankar, District Hoshiarpur and subsequent proceedings arising from the same on the basis of compromise dated 03.08.2021 (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 27.10.2021.

On the asking of the Court, Mr. Saurav Khurana, Deputy

Advocate General, Punjab, appears and accepts notice on behalf of the respondent-State. Mr. Sandeep Godara, Advocate appears and accepts notice on behalf of respondents No.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 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 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, Garhshankar. The relevant part of the said report is as follows:

“I am satisfied that the compromise effected between the parties is voluntarily with free consent. The original statement of persons as mentioned above is attached alongwith.

Thanking you.

Your Faithfully,

Sd/-

(Lavdeep Hundal)

Sub Divisional Judicial Magistrate,

Garhshankar.

UID-PB0309”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 petitioner has submitted that the petitioners were 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 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 v. 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 v. 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. x x x - - - x x x”

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.232 dated 25.12.2020 under Sections 452, 323, 324, 148, 149 of IPC, 1860 registered at Police Station Garhshankar, District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise dated 03.08.2021 (Annexure P-2) effected between the parties, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

27.10.2021
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No