

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

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**CRM-M-33557-2021
Decided on : 12.10.2021**

Jaswant Singh @ Jassi and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Vikas Arora, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Mohit Kumar, Advocate
for the respondent No. 1-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 14 dated 17.02.2017 registered under Sections 323, 341, 148, 149 and Section 325 (added later on) of the Indian Penal Code, 1860 registered at Police Station Nurpur Bedi, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 23.07.2021 (Annexure P-2).

When the matter came up before this Court on 19.08.2021, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.0014 dated 17.02.2017 under Sections 323, 341, 148, 149 and Section 325 (added later on) of IPC, registered at Police Station Nurpur Bedi, District Rupnagar

(Annexure P-1) and all other subsequent proceedings arising from the same, on the basis of compromise dated 23.07.2021 (Annexure P-2).

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

Notice of motion for 12.10.2021.

On the asking of the Court, Mr. Saurav Khurana, learned Deputy Advocate General, Punjab, accepts notice on behalf respondent No.1-State. Mr. Mohit Kumar, Advocate, appeared and filed his power of attorney on behalf of respondent No.1. The 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 of 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, Sri Anandpur Sahib to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“5. So, from the statements of the parties and of Investigating Officer recorded in the Court on 31.08.2021 as

noted above, the report as sought by Hon'ble Punjab & Haryana High Court is submitted as under:-

- 1. There are only persons namely Balram Singh @ Gaggu and Jaswant Singh @ Jassi arrayed as accused (i.e. petitioners before Hon'ble Punjab & Haryana High Court.*
- 2. None of the above named accused is proclaimed offender.*
- 3. The compromise as entered into between the parties is genuine, voluntary and without any coercion or undue influence.*
- 4. At present, the above named accused persons are not involved in any other FIR, however as per statement of Investigating Officer, accused Jaswant Singh @ Jassi was also found involved in one another FIR bearing No. 107 dated 07.10.2017 under Sections 323, 324, 506, 148, 149 IPC registered at P.S. Nurpur Bedi, however he has been acquitted in said FIR vide order dated 02.07.2018 and further as per statement of investigating Officer, accused Balram Singh @ Gaggu also found involved in another FIR bearing No. 54 dated 23.06.2020 under Section 21(1) 4 (1) of Mines and Minerals (Development and Regulation) Act, 1957, registered at P.S. Kathgarh, District SBS Nagar and the trial of said Fir is pending before the learned SDJM, Balachaur.*
- 5. As per statement of Investigating Officer, there is only one victim/complainant namely Chamkila son of Mehar Chand (i.e. respondent No. 2 before Hon'ble Punjan and Haryana High Court) in the FIR.*

Report is submitted please.”

A perusal of the said report would show that although, it has been stated that some of the parties are involved in other cases also, however, it has also been recorded that as far as the present case is

concerned, 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 petitioners has submitted that none of the petitioners were 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. 14 dated 17.02.2017 registered under Sections 323, 341, 148, 149 and Section 325 (added later on) of the Indian Penal Code, 1860 registered at Police Station Nurpur Bedi, District Rupnagar (Annexure P-1) and all subsequent proceedings

arising therefrom on the basis of the compromise arrived at between the parties, vide affidavit dated 23.07.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

12.10.2021
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No