

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

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**CRM-M-33529-2021
Decided on : 29.09.2021**

Mandeep Singh Sidhu

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. J. K. Singla, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Kashish Garg, Advocate
for respondents No. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 24 dated 28.01.2017 registered under Sections 452, 323, 506, 148 and 149 of IPC, 1860 (Act No. 45 of 1860) registered at Police Station Dayalpura, Tehsil Phul, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 10.08.2021 (Annexure P-2).

When the matter came up before a Co-ordinate Bench of 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.24 dated 28.01.2017 under Sections 452, 323, 506, 148 and 149 IPC, 1860 (Act No.45 of 1860), registered at Police Station Dayalpura, Tehsil Phul, District Bathinda (Annexure P-1) and all other subsequent proceedings

arising from the same, on the basis of compromise dated 10.08.2021 (Annexure P-2).

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

Notice of motion for 29.09.2021.

On the asking of the Court, Mr. Saurav Khurana, learned Deputy Advocate General, Punjab, accepts notice on behalf respondent No.1-State. Mr. Kashish Garg, Advocate, appeared and filed his vakalatnama on behalf of respondent Nos.2 and 3. 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, Phul to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Further, in reply to above said query, it is submitted as under:

1. *As per record, there is only one person arrayed as accused.*
2. *As per record, the accused has not been declared as proclaimed offender.*
3. *The compromise arrived at between the complainant Darshan Singh son of Major Singh, Sukhmander Singh son of Darshan Singh as well as accused Mandeep Singh is genuine, voluntary and without any coercion or undue influence, being outcome of their free will and consent.*
4. *As per record, the accused has not been involved in any other FIR, except the present one.*
5. *As per statement of Investigating Officer, there is no other victims/complainants other than the respondent, namely, Darshan Singh son of Major Singh, arrayed in the petition.*

Copies of the statements are attached for kind perusal and oblige. Hence, this 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 the petitioner 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 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. 24 dated 28.01.2017 registered under Sections 452, 323, 506, 148 and 149 of IPC, 1860 (Act No. 45 of 1860) registered at Police Station Dayalpura, Tehsil Phul, District Bathinda and all subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties, vide affidavit dated 10.08.2021 (Annexure P-2), are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

29.09.2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No