

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34338-2021

Date of decision : 05.10.2021

Gurpreet Singh @ Laddi and others

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Lajwant Singh Virk, Advocate
for the petitioners.

Mr.Sarabjit S. Cheema, AAG, Punjab.

Mr.M.S.Atwal, Advocate
for respondents no.3 & 4.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of case FIR No.064 dated 08.04.2021 (Annexure P-1) under Sections 323, 341, 379-B, 506, 148, 149 IPC and Section 25 of the Arms Act, registered at Police Station Samrala, District Khanna and all other consequential proceedings arising therefrom on the basis of compromise deed dated 08.06.2021 (Annexure P-2).

On 27.08.2021, this Court has passed the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of case FIR No.064 dated 08.04.2021 (Annexure P-1) under Sections 323, 341, 379-B, 506, 148, 149 IPC and Section 25 of the Arms Act, registered at Police Station Samrala, District Khanna and all other consequential proceedings arising

therefrom on the basis of compromise deed dated 08.06.2021 (Annexure P-2).

Learned counsel for the petitioners has submitted that although in the FIR, apart from the petitioners, some unknown persons have also been mentioned, however, neither their names have been disclosed nor they have been identified, nor there is any possibility of them being identified. Learned counsel has further 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 Nos.1 and 2 and Mr. Sumer Singh Brar, Advocate, accepts notice on behalf of respondent Nos.3 and 4. Learned counsel for respondent Nos.3 and 4 reiterates the submissions made by the learned counsel for the petitioners and states that respondent Nos.3 and 4 have no objection in case the entire FIR is quashed.

Learned counsel for the parties have stated that it would be convenient for the parties to appear on 09.09.2021 before the learned Illaqa Magistrate/trial Court.

Accordingly, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise on 09.09.2021.

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. Adjourned to 05.10.2021.”

In pursuance to the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Samrala. The relevant portion of the said report is reproduced hereinbelow:-

“3. Para wise reply of details sought through this report is under:-

I) There are four accused persons namely Sikander Atwal, Gurpreet Singh @ Laddi, Ganesh Sharma and Prince Goyal.

II) As per the report of Investigating Officer, none of the accused is proclaimed offender.

III) Considering the statements of complainant party as well as the accused persons, the compromise seems genuine and voluntary in nature and without any coercion or undue influence.

IV) The accused persons are not involved in any other FIR. However, the injured Shubham Arora has been produced by the Jail Authorities in case FIR No.133 dated 02.09.2021 under Section 61/1/14 Excise Act, P.s.City I Khanna.”

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

Learned counsel for respondent nos.3 and 4 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 parties. He prayed that FIR and subsequent proceedings may 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 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 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.

In view of what has been discussed hereinabove, this petition is allowed and FIR No.064 dated 08.04.2021 (Annexure P-1) under Sections 323, 341, 379-B, 506, 148, 149 IPC and Section 25 of the Arms Act, registered at Police Station Samrala, District Khanna and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

October 05, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No