

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35048-2021(O&M)

Date of decision : 08.11.2021

Gurdip Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vikas Gupta, Advocate
for the petitioners.

Mr.A.K.Kaundal, DAG, Punjab.

Mr.Vikasdeep Singh, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of case FIR No.182 dated 17.07.2021 (Annexure P-1) registered under Sections 323, 325, 148, 149 IPC at Police Station City Tarn Taran, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise deed dated 07.08.2021 (Annexure P-3).

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

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 182 dated 17.07.2021 registered under Sections 323, 325, 148, 149 of the Indian Penal Code, 1860 at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated

07.08.2021 (Annexure P-3).

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

Notice of motion for 08.11.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vikasdeep Singh, Advocate appears on behalf of respondent No. 2.

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 to the said order, a report has been submitted by the Chief Judicial Magistrate, Tarn Taran, dated 21.09.2021. The relevant portion of the said report is reproduced hereinbelow:-

“In pursuance of the directions, parties have come present in the Court and suffered their statements voluntarily, without any pressure regarding compromise effected between them with regard to the FIR No.182 of dated 17.07.2021 under section 323, 325, 148, 149 of IPC, Police Station:- City, Tarn Taran.

Report of Ahlmad of the Court is called as per which no paper relating to this FIR/cross case is pending before this Court or lying in his custody. Statement of IO ASI Joginder Singh no.74/TT is recorded to the effect that FIR no.182, dated 17.07.2021 was registered on the statement of Satnam Singh against nine accused persons namely Gurdip Singh, Dalbagh Singh, Gumam Singh @ Gurnam Singh, Rabtaj Singh, Sangamdeep Singh, Ravisher Singh, Jagroop Singh, Gursahib Singh @ Sarbjit Singh and Gurpal Singh. There is only one complainant and nine accused above mentioned involved in this FIR. None of the accused of this FIR is involved in any other FIR. None of the accused has been declared proclaimed offender. Investigation is still in progress and challan is not presented yet.

The parties suffered their statements voluntarily before Court as they have compromised their dispute with the intervention of respectable of locality which seems to be genuine.

Report submitted for kind perusal.”

A perusal of the said report would show that the compromise effected between the parties is voluntarily.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioner and they were not declared proclaimed offender in the present case.

Learned counsel for the State as per instructions has stated that aforesaid fact is correct and he has no objection in case the FIR is quashed on the basis of compromise.

Learned counsel for respondent no.2 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 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, this petition is allowed and FIR No.182 dated 17.07.2021 (Annexure P-1) registered under Sections 323, 325, 148, 149 IPC at Police Station City Tarn Taran, District Tarn Taran and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 08, 2021
Davinder Kumar

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