

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35067-2021(O&M)

Date of decision : 08.11.2021

Satnam Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vikasdeep Singh, Advocate
for the petitioners.

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

Mr.Vikas Gupta, Advocate
for respondent nos.2 & 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of case DDR No.44 dated 25.07.2021 registered under Sections 323,324,506,148,149 IPC at Police Station City Tarn Taran, District Tarn Taran (Annexure P-2) in FIR no.182 dated 17.07.2021 registered under Sections 323, 325, 148, 149 IPC at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) 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 cross case of DDR No.44 dated
25.07.2021 under Sections 323,324,506,148,149 of
Indian Penal Code, 1860 at Police Station City Tarn*

Taran, District Tarn Taran (Annexure P-2) in 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. Ankit Kharbanda, Advocate for Mr. Vikasdeep Singh, Advocate appears on behalf of respondent Nos. 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 to the said order, a report has been submitted by

portion of the said report is reproduced hereinbelow:-

“Report of Ahlmad of the Court is called as per which no paper relating to main 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 originally 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 and cross case vide DDR No.44, dated 25.07.2021 u/s 323, 324, 506, 148, 149 of IPC registered at PS City, Tarn Taran in FIR No.182 of dated 17.07.2021 under section 323, 325, 148, 149 of IPC, Police Station:-City, Tarn Taran on the statement of Sukhdeep Singh against five accused persons namely Satnam Singh, Gurpreet Singh, Tehal Singh, Harpreet Singh and Jaspreet Singh. Investigation is still in progress in FIR as well as cross-case. No accused of the main FIR as well as cross-case has been declared proclaimed offender. Only two persons were injured in FIR as well as cross-case. Satnam Singh s/o Late Ram Singh is injured in FIR as well as cross-case. Satnam Singh s/o Late Ram Singh is injured in main FIR whereas Dalbag Singh s/o Late Jeet Singh @ Ajit Singh is injured in cross-case.

Gurpreet Singh s/o Late Ram Singh, accused of this case is also having another case bearing FIR no.258, dated 13.11.2017, u/s 323, 324, 326, 506, 148, 149 IPC, PS City, Tarn Taran pending against him and trial of said case is pending in this Court. Except accused Gurpreet Singh, no other accused is involved in any other FIR.

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 voluntary and genuine.

A further perusal of said report would show that against Gurpreet Singh-petitioner no.2, there is another FIR which is pending, however, said FIR would not come in the way of petitioner no.2 or the other petitioners, who are not seeking quashing of present DDR, on the basis of compromise.

Learned counsel for the petitioners prayed that the present DDR be quashed on the basis of compromise.

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

Learned counsel for respondent nos.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 parties. He prayed that the DDR 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 feels that the same is 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 DDR No.44 dated 25.07.2021 registered under Sections 323,324,506,148,149 IPC at Police Station City Taran Taran, District Tarn

Taran (Annexure P-2) in FIR no.182 dated 17.07.2021 registered under Sections 323, 325, 148, 149 IPC at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) 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