

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

(227)

CRM-M-35317-2021.
Date of Decision:-10.11.2021.

Sukhdev Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioners.

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

None for respondent Nos.2 and 3.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0063 dated 13.06.2021, registered under Sections 323, 324, 341, 506, 34 (Sections 325 and 326 added later on) of IPC at Police Station Raman, District Bathinda (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 04.08.2021 (Annexure P-2).

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

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 63 dated 13.06.2021 registered under Sections 323, 324, 341, 506, 34 (Sections 325/326 added later on) of the Indian Penal Code, 1860 at Police Station Raman,

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District Bathinda (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated 04.08.2021 (Annexure P-2).

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

Notice of motion for 10.11.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Chetan Goyal, Advocate appears on behalf of respondent Nos. 2 and 3 and filed his power of attorney. 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 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*

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many victims/complainants are there in the FIR.”

In pursuance of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Talwandi Sabo. The relevant part of the report is reproduced hereinbelow:-

“5. It is further submitted that as per the statements of the parties, the compromise effected between the parties whose statements have been recorded in the Court, is genuine, voluntary and without any pressure or coercion or undue influence. No accused are involved in any other FIR. In the present FIR, there are two victims/complainants, namely, Jaswant Singh son of Jalour Singh r/o Bangi Ruldu, Tehsil Talwandi Sabo, District Bathinda and Talwinder Singh son of Ajmer Singh R/o Bangi Ruldu, Tehsil Talwandi Sabo, District Bathinda.

Report is submitted accordingly.

Yours faithfully,

*(Rattan Deep Singh), PCS
Sub Divisional Judicial Magistrate,
Talwandi Sabo
UID Code No.PB00574”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid. As per the said report,

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it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending between the parties.

Learned counsel for the State has reiterated that the matter has been compromised and that none of the persons have been declared as proclaimed offenders in the present case.

None has appeared on behalf of the petitioners as well as respondent Nos.2 and 3.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”***, 2007 (3) RCR (Criminal) 1052, it was 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 is of the view 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

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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 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 complainants. 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.0063 dated 13.06.2021, registered under Sections 323, 324, 341, 506, 34 (Sections 325 and 326 added later on) of IPC at Police Station Raman, District Bathinda (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 10, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No