

CRM-M-36799-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-36799-2021.

Date of Decision:-30.11.2021.

Harpal Singh @ Bhalla and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raminder Singh Joon, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. H.S. Batth, Advocate for respondent Nos.2 to 4

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of DDR No.31 dated 18.04.2019 (Annexure P-2), registered under Sections 323, 324, 326, 506, 148 and 149 of IPC at Police Station Sadar Patti, District Tarn Taran which is being investigated in FIR No.64 dated 16.04.2019, registered under Sections 323, 452, 427, 506, 148 and 149 of IPC at Police Station Sadar Patti, District Tarn Taran (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 02.04.2021 (Annexure P-3).

On 09.09.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of DDR No.31 dated 18.04.2019 (Annexure P-2) registered under Sections 323, 324, 326, 506, 148, 149 of the

Indian Penal Code, 1860 at Police Station Sadar Patti, District Tarn Taran which is being investigated in FIR No.64 dated 16.04.2019 registered under Sections 323, 452, 427, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Patti, District Tarn Taran (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 30.11.2021.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Gaurav Kalsi, Advocate for Mr. H.S. Batth, Advocate appears on behalf of respondent Nos.2 to 4.

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 of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Patti to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“From the statement of the parties, I am satisfied that a valid and genuine compromise has been effected between the parties as per their statements recorded in the Court. The aforesaid compromise appears to be genuine one and the same has not been entered into voluntarily with free will of the parties without any coercion or undue influence or pressure of any kind.

As per statement of ASI Kirpal Singh No.1758/T.T., there are seven accused namely Harpal Singh @ Bhalla, Gurbir Singh @ Gori, Harphool Singh @ Harbhool Singh, Arurh Singh, Monika Rani, Ramandeep kaur and Anmolpreet Singh arrayed as accused in the above said cross case DDR No.31 dated 18.04.2019 in FIR No.64 dated 16.04.2019. No P.O proceeding are pending against any of the accused in Police Station, Sadar Patti. The above said accused/petitioners are not involved in any other case, except the above said FIR. There is one victim/complainant namely Bikramjit Singh @ Bikka in the above said DDR No.31 dated 18.04.2019 in FIR No.64 dated 16.04.2019.

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The report is submitted accordingly along with original statements of the parties and original statement of ASI Kirpal Singh.

Yours faithfully

Sd/-

*(Amandeep) PCS,
Sub Divisional Judicial Magistrate,
Patti. (UID No.PB0336)”*

A further 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, 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 petitioners has submitted that there is no other FIR against the petitioners and they were 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 respondent Nos.2 to 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.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the learned trial

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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.

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

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*secure the ends of justice or (ii) to prevent abuse of the
process of any Court. XXX---XXX”*

In view of what has been discussed hereinabove, this petition is allowed and DDR No.31 dated 18.04.2019 (Annexure P-2), registered under Sections 323, 324, 326, 506, 148 and 149 of IPC at Police Station Sadar Patti, District Tarn Taran which is being investigated in FIR No.64 dated 16.04.2019, registered under Sections 323, 452, 427, 506, 148 and 149 of IPC at Police Station Sadar Patti, 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 30, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No