

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

CRM-M-37459-2021
Date of decision : 17.12.2021

Roop Singh and others

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Jasuja, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Saksham Arora, Advocate for respondent Nos.2 and 3.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.0137 dated 07.09.2020 registered under Sections 365, 458, 342, 379, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Arniwala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2021 (Annexure P-2).

On 13.09.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.137 dated 07.09.2020 registered under Sections 365, 458, 342, 379, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Arniwala

(Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2021 (Annexure P-2).

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

Notice of motion for 01.12.2021.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Saksham, Advocate alongwith Mr. Pragn, 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 of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Fazilka. The relevant portion of the said report is reproduced hereinbelow:-

“7. In compliance to the aforesaid order dated 13.09.2021 of Hon'ble Punjab and Haryana High Court,

it is respectfully submitted that the point-wise report of undersigned is as follows:-

- 1. It is submitted that the present FIR was registered against five persons namely Roop Singh, Sarbjit Singh @ Fauji, Paramjit Singh, Basant Singh and Gurmeet Singh, all residents of Village Chimnewala, Tehsil & District Fazilka.*
- 2. It is further submitted that none of the accused persons has been declared proclaimed offender in the present FIR.*
- 3. In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, which is without any coercion or any influence.*
- 4. It is further submitted that one another FIR No.117 dated 21.08.2021 u/s 306 IPC, P.S. Arniwala also registered against accused Roop Singh son of Harbans Singh and he is in custody in the said FIR.*
- 5. It is further submitted that as per statement of Investigating Officer. ASI Subhash Chander No.311/Fzk, posted at P.S. Arniwala, the present FIR was registered on the statement of complainant namely Raju @ Raj Kumar son of Indraj Ram son of Sunder Ram and there is also one victim namely Kalal Singh in the present FIR.*
- 8. As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself.”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been mentioned in the report that there is one more case against petitioner no.1. However, the same would not come in the way of quashing of present

petition as the compromise has been found to be genuine, without any coercion and without any undue influence.

Learned counsel for the petitioners has submitted that the petitioners 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 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 two parties.

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

This Court has heard the learned counsel for the parties and 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 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**”, reported as **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 is of the opinion 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*”, reported as *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”

In view of what has been discussed hereinabove, the petition is allowed and FIR No.0137 dated 07.09.2020 registered under Sections 365, 458, 342, 379, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Arniwala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 17, 2021

Devinder Kumar

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No