

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37335-2021

Date of decision : 01.12.2021

Gurpreet Singh

... Petitioner

Versus

The State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Parunjeet Singh, Advocate
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

Mr.Mohit Chaudhary, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.26 dated 25.01.2021 registered under Sections 325, 341, 34 and 427 IPC (Section 326 IPC added later on) at Police Station Focal Point, Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom, on the basis of compromise dated 12.05.2021 (Annexure P-2).

On 10.09.2021, this Court had passed the following order:-

“ This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.26 dated 25.01.2021 registered under Sections 325, 341, 34 and 427 of the Indian Penal Code, 1860(Section 326 of IPC has been added later on) at Police Station Focal Point, Police Commissionerate Ludhiana (Annexure P-1) and all the

subsequent proceedings arising therefrom on the basis of compromise dated 12.05.2021 (Annexure P-2).

Learned counsel for the petitioner 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. C.L. Pawar, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Mohit Chaudhary, 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, Ludhiana. The relevant portion of the said report is reproduced hereinbelow:-

“4. It is further respectfully submitted that in view of the statements suffered by complainant Prabhjot Singh son of Sarabjit Singh and accused Gurpreet Singh son of Paramjit Singh, the matter has been compromised between them with the intervention of respectable

persons of the locality, out of their free Will, voluntarily and without any pressure, threat, undue influence or coercion from any quarter. Complainant Prabhjot Singh suffered statement that he has got no objection in case present FIR alongwith subsequent proceedings are quashed against accused Gurpreet Singh only. The copies of statements of complainant Prabhjot Singh, accused Gurpreet Singh and Investigation Officer ASI Jaswant Lal, copies of Aadhaar Cards of complainant Prabhjot Singh and accused Gurpreet Singh as Mark-A and Mark-B and are also enclosed herewith.

5. *Accordingly, report is being submitted please. ”*

A perusal of the above said report would show that the compromise in the present case has been found to be voluntarily, without any pressure, threat, and undue influence or coercion.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and was not declared proclaimed person / offender in the present case. The said facts have been reaffirmed by the learned counsel for the State.

Learned counsel for respondent no.2-complainant 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 has, thus, prayed that FIR and subsequent proceedings may be quashed.

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 learned trial

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.

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 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***”, 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, this petition is allowed and FIR No.26 dated 25.01.2021 registered under Sections 325, 341, 34 and 427 IPC (Section 326 IPC added later on) at Police Station Focal Point, Police Commissionerate Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 01, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No