

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

(221)

CRM-M-38327-2021

Date of decision: - 07.12.2021

Rajinder Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Deepinder Brar, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Navraj S. Mahal, Advocate, for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.169 dated 11.10.2017 registered under Sections 308/325/323/34 of the Indian Penal Code, 1860 (initially registered under Sections 325, 323, 34 of IPC) at Police Station Nehianwala, District Bathinda (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 16.09.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.169 dated 11.10.2017 registered under Sections

308/325/323/34 of the Indian Penal Code, 1860 (initially registered under Sections 325, 323, 34 of IPC) at Police Station Nehianwala, District Bathinda (Annexure P-1) and all the 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 07.12.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Navraj S. Mahal, 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 of the said order, the report has been submitted by the Additional Sessions Judge,, Bathinda, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“So, from the said statements, I am satisfied that the compromise has been entered upon by the parties voluntarily, without any coercion and undue influence from any corner. As such, compromise is genuine.

(iv) As per the statement of ASI Baljit Singh No.13/15BTI, except

this FIR against the accused Rajinder Singh, Baljinder Singh and Saudagar Singh, no other case is registered against them and they are involved only in this case.

(v) As per the statement of Investigating Officer, Retd. Inspector Narvir Singh as well as statement of ASI Baljit Singh, Bahadur Singh is complainant and there is only one victim/injured namely, Harinder Singh in this case.

The copies of statements of complainant Bahadur Singh, injured Harinder Singh, accused Rajinder Singh, Saudagar Singh and Baljinder Singh as well as Retd. Inspector Narvir Singh and ASI Baljit Singh are enclosed herewith for kind perusal.

Thanking you,

Yours faithfully,

Encl. As above.

Sd/-

(Sanjeeta)
Addl. Sessions Judge,
Bathinda.”

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.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent Nos.2 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 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 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.169 dated 11.10.2017 registered under Sections 308/325/323/34 of the Indian Penal Code, 1860 (initially registered under Sections 325, 323, 34 of IPC) at Police Station Nehianwala, District Bathinda (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

December 07, 2021
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No