

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

CRM-M-40328-2021

Date of decision : 17.12.2021

Harpreet Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.P.S. Chakkal, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Simranjit Singh, 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.117 dated 16.12.2014 registered under Sections 307, 452, 323, 324, 325, 341, 506, 427, 148, 149 of the Indian Penal Code, 1860 (Annexure P-1) (Challan under Sections 323, 324, 325, 341, 506, 427, 201, 148, 149 of IPC) at Police Station Rajpura, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-4).

On 21.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Case has been taken up for hearing through
Video Conferencing.*

This petition under Section 482 Cr.P.C. has been moved for quashing of FIR No.117 dated 16.12.2014 under Sections 148, 307, 323, 324, 325, 341, 427 and 506 IPC read with Section 149 IPC, registered at Police Station Rajpura, District Patiala and all other consequential proceedings arising therefrom, on the basis of compromise dated 24.01.2020 (Annexure P/4) arrived at between petitioners and respondent No.2-Surjeet Singh (complainant).

It is pertinent to mention here that after completion of investigation of case FIR No.117 dated 16.12.2014, as detailed above, final report under Section 173 Cr.P.C. (Challan) has been presented in Court for the commission of offence punishable under Sections 148, 201, 323, 324, 325, 341, 427 and 506 IPC read with Section 149 IPC (Annexure P/2).

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Addl. A.G., Punjab, accepts notice on behalf of respondent No.1-State and seeks time to place on record report, if any. At this juncture, Mr. Simranjit Singh, Advocate has put in appearance on behalf of respondents No.2 and 3. Complete copies of paperbook be supplied to them during course of the day.

Learned counsel for respondents No.2 and 3 has given concurrence to the factum of compromise Annexure P/4.

Let the petitioners as well as respondent No.2-Surjeet Singh (complainant) and respondent No.3-Kulwinder Singh (injured) appear before the Trial Court/Area Magistrate, as the case may be, on 11.10.2021 at 10:00 AM or any other date to be fixed by Trial Court/Area Magistrate, for getting their statements

recorded with regard to the compromise. Court is directed to report on the following points:-

- (i) how many total accused are facing the trial,*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial,*
- (iii) status/stage of the trial/case,*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.*

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 15.11.2021.”

In pursuance of the above said order, a report has been submitted by the Judicial Magistrate Ist Class, Rajpura. The relevant portion of the said report is reproduced hereinbelow:-

“4) The undersigned has carefully gone through the statements got recorded by complainant Surjit Singh, injured Kulwinder Singh and accused persons namely Harpreet Singh, Davinder Singh, Gurjant Singh, Gurtej Singh, Varinder Singh and Paramveer Singh, it transpires from the statements of the parties that they have arrived at compromise out of their free volition and without any inducement, threat, coercion or undue influence from any quarter. Apparently, the compromise has been arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.

5) Perusal of list of witnesses annexed with the Police report U/s 173 Cr.P.C. reveal that initial

investigation was conducted by ASI Narpinder Singh and further investigation was conducted by ASI Yashpal. SI Narpinder Pal Singh suffered statement that present case was registered on 16.12.2014 and he was transferred on 31.12.2014. He further stated that SI Sahib Singh and ASI Yashpal Singh are the Investigating Officer in the present case. SI Sahib Singh appeared and suffered statement that he remained Investigating Officer in the present case for the period commencing from 10.01.2015 to 28.01.2015 and he neither made any arrest of accused nor any accused was declared proclaimed offender during his investigation. ASI Yashpal Singh could not appear before the Court as he was admitted in DMC Hospital Ludhiana and his date of discharge is not certain. Thereafter, statement of ASI Sukhdev Singh, PP Basantpura recorded who stated that in the present case total six accused persons namely Harpreet Singh, Davinder Singh, Gurjant Singh, Gurtej Singh, Varinder Singh and Paramveer Singh are facing trial and no accused has ever been declared proclaimed offender in the present case and the stage of trial is at defence evidence.

Hence, this report.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or 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.

It would be relevant to note that in the present case, initially FIR was registered under Section 307 IPC but the challan has not been filed under Section 307 IPC.

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.117 dated 16.12.2014 registered under Sections 307, 452, 323, 324, 325, 341, 506, 427, 148, 149 of the Indian Penal Code, 1860 (Annexure P-1) (Challan under Sections 323, 324, 325, 341, 506, 427, 201, 148, 149 of IPC) at Police Station Rajpura, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-4), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 17, 2021.

Davinder Kumar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No