

CRM-M-45074-2021

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

(232)

CRM-M-45074-2021.

Date of Decision:-13.12.2021.

Harpreet Singh @ Dhoni and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Param Preet Singh Brar, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Ramandeep Singh, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.118 dated 03.08.2020, registered under Sections 336 and 506 and 120-B of IPC and Sections 25, 27, 54 and 59A of the Arms Act, 1959 at Police Station Jaito, District Faridkot (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 02.10.2021 (Annexure P-2).

On 28.10.2021, 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.118 dated 03.08.2020 registered under*

Sections 336, 506, 120-B of the Indian Penal Code, 1860 and Sections 25, 27, 54, 59A of the Arms Act, 1959, at Police Station Jaito, District Faridkot (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 02.10.2021 (Annexure P-2).

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

Notice of motion for 13.12.2021.

On asking of the Court, Mr. A.K. Kaundal, DAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Ramandeep Singh, 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 15 days.

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*

CRM-M-45074-2021

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, Jaitu to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“As per the statement of the parties, it appears that the compromise is genuine, voluntary without any threat, undue influence or coercion. All the parties have given their consent towards the compromise. It has come on record that the present FIR is registered against five accused namely Harpreet Singh @ Dhoni, Kulwinder Singh, Arshnoor Kaur, Raminder Kaur and Baljinder Singh. It has also come on record that none of the accused has been declared as proclaimed offender in the present case. It has come on record that none of the accused apart from accused Kulwinder Singh is involved in any other criminal case. It has also come on record that an FIR bearing No.99 of 2018 u/s 21 NDPS Act, PS Sadar Faridkot is also been pending against accused Kulwinder Singh and the trial of the aforesaid FIR is pending in the Court of Sh. HS Lekhi, Learned Special Court, Faridkot. It has also come on record that there is only one complainant/victim Jaskaran Singh in the present FIR.

The aforementioned report is forwarded for kind information and necessary action please.

Submitted please.

Yours faithfully,

Sd/-

CRM-M-45074-2021

*Harpreet Singh,
Sub Divisionl Judicial Magistrate,
Jaitu.
UID NO.PB0345.”*

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. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders.

A perusal of the above report would further show that petitioner No.2-Kulwinder Singh is involved in one other case. However, the same would not come in the way of quashing of the present FIR on the basis of compromise as the same is found to be genuine, voluntary, bona fide and without any pressure or undue influence.

Learned counsel for the petitioners has submitted that none of the petitioners were 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 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

CRM-M-45074-2021

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

CRM-M-45074-2021

Court. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.118 dated 03.08.2020, registered under Sections 336 and 506 and 120-B of IPC and Sections 25, 27, 54 and 59A of the Arms Act, 1959 at Police Station Jaito, District Faridkot (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 13, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No