

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

247

**CRM-M-45032-2021
Decided on : 15.12.2021**

Boota Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Suresh Singla, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Shubham Gupta, Advocate for
Ms. Vaishali Singla, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 262 dated 19.12.2020 registered under Sections 326, 341 and 34 of the Indian Penal Code, 1860 registered at Police Station Maur, Police District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 05.10.2021 (Annexure P-2).

When the matter came up before this Court on 28.10.2021, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.262 dated 19.12.2020 registered under Sections 326, 341, 34 of the Indian Penal Code, 1860 at Police Station Maur, District Bathinda and all the subsequent proceedings arising therefrom on the basis of compromise dated 05.10.2021 (Annexure P-2).

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

Notice of motion for 15.12.2021.

On asking of the Court, Mr. A.K. Kaundal, DAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Vaishali Singla, 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 of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Talwandi Sabo to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“3. It is submitted that as per record and FIR, there are tow accused, namely, Boota Singh son of Paramjit Singh and accused namely Gursharan Kaur wife of Boota Singh, all residents of village Maur Kalan, Tehsil Maur, District Bathina, who are the petitioners in the present petition. It is further submitted that no accused are declared proclaimed offender in

the present FIR. It is further submitted that as per the statements of the parties, the compromise effected between the parties whose statements have been recorded in the Court, is genuine, voluntary and without any pressure, coercion or undue influence.

4. On 24.11.2021 statement of ASI Lakhwinder Singh no. 725/BTI, Investigating Officer, Police Station Maur, Tehsil Talwandi Sabo, District Badhinda, in FIR No. 262 dated 19.12.2020 under Sections 326, 341, 34 IPC was recorded. As per the statement of the Investigating Officer, there is only one victim/complainant, namely, Tarsem Singh son of Paramjit Singh son of Harchand Singh R/o Village Maur Kalan District Bathinda in the present FIR. As per record and FIR, accused/petitioner, namely, Boota Singh son of Paramjit Singh son of Harchand Singh and accused/petitioner, namely, Gursharan Kaur wife of Boota Singh all residents of village Maur Kalan, Tehsil Maur, District Bathinda are not involved in any other FIR. It is further submitted that in the present FIR, only the FIR has been received by this Court and the report under Section 173 Cr.P.C./Challan has not been presented till date.

Report is submitted accordingly.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

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 No. 2-complainant has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 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, the petition is allowed and FIR No. 262 dated 19.12.2020 registered under Sections 326, 341 and 34 of the Indian Penal Code, 1860 registered at Police Station Maur, Police District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 05.10.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 15th, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No