

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

231 (1)

**CRM-M-38127-2019
Decided on : 03.09.2021**

Darshan Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Navdeep Kalair, Advocate
for the petitioners.

Mr. P. S. Walia, Asstt. A. G., Punjab
for respondents No. 1 and 2.

Mr. P. S. Mirpur, Advocate
for respondents No. 3 to 7.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of criminal proceedings i.e. Cross-case registered vide DDR No. 52 dated 06.05.2019 under Section 323, 324, 34 IPC, Police Station Sardulgarh, District Mansa in FIR No.118 dated 06.05.2019 registered under Sections 326, 324, 323, 148 and 149 of IPC registered at Police Station Sardulgarh, District Mansa and all subsequent proceedings arising therefrom on the basis of the compromise dated 10.06.2019 (Annexure P-4).

When the matter came up before a Co-ordinate Bench of this Court on 09.09.2019, the following order was passed:-

*“Learned counsel for the petitioners refers to
Annexure P-4 to contend that a compromise has been*

effected between the parties and prays for quashing of the criminal proceedings i.e. cross-case registered vide DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC arising out of FIR No.118 dated 06.05.2019 (Annexure P-1) under Sections 326, 324, 323, 148, 149 IPC registered at Police Station Sardulgarh, District Mansa on the basis of compromise dated 10.06.2019 (Annexure P-4).

Notice of motion.

At the asking of the Court, Mr. Hittan Nehra, Addl. A.G., Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Mr. Pardeep Singh Mirpur, Advocate causes representation on behalf of respondent Nos.3 to 7 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 30.09.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate 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 in FIR.

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 case or not.

5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 28.11.2019.

To be heard along with CRM-M-35405-2019.”

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Sardulgarh to the Assistant Registrar (Criminal) of this Court. The said report is reproduced hereinbelow:-

“Subject:- Report in CRM-M No.38127 of 2019, titled as 'Darshan Singh and others Vs. State of Punjab & another.' (Next date :28.11.2019).

Respected Sir,

With due respect, it is submitted that the parties have appeared before his Court on 30.09.2019 and moved application for recording their statements but on their request, the case was adjourned on that date and on 09.10.2019 parties have appeared for recording their statements as per order dated 09.09.2019 passed by the Hon'ble Punjab & Haryana High Court, by which, the parties were directed to appear before the concerned Illaqa/ Duty Magistrate on 30.09.2019 for recording their statements with regard to compromise/settlement and further this Court was directed to submit a report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntarily and without any coercion or undue influence.*
- 4. Whether the accused person are involved in any other case or not.*

5. *The trial Court is directed to record the statements of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Complainant Sukhdev Singh has appeared and suffered a separate statement that a cross case bearing DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station Sardulgarh, has been got registered by him against the accused namely Darshan Singh, Baltej Singh and Sarbjit Kaur. Panchayat got effected a written compromise between him and accused Darshan Singh, Baltej Singh and Sarbjit Kaur. He put his signatures upon written compromise dated 10.06.2019, copy of which is mark-A. He also produce the copy of his Adhar Card as Mark-B. He has effected compromise with the accused without any pressure or coercion and the compromise is genuine one. He has no objection if the present FIR be quashed against accused as per above compromise.

Witness/Victim Amrik Singh has suffered a separate statement that a cross case bearing DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station Sardulgarh, was registered upon the statement Sukhdev Singh against accused namely Darshan Singh, Baltej Singh and Sarbjit Kaur. Panchayat got effected a written compromise between him, complainant Sukhdev Singh and accused Darshan Singh, Baltej Singh and Sarbjit Kaur. He put his signatures upon written compromise dated 10-06-2019, copy of which is mark-A. He also produce the copy of

my Adhar card as Mark-C. He has effected compromise with the accused without any pressure or coercion and the compromise is genuine one. He has no objection if the present FIR be quashed against accused as per above compromise.

Witness/Victim Jagjit Singh has suffered a separate statement that a cross case bearing DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station Sardulgarh was registered upon the statement of Sukhdev Singh against accused namely Darshan Singh, Baltej Singh and Sarbjit Kaur. Panchayat got effected a written compromise between him, complainant Sukhdev Singh, witness Amrik Singh and accused Darshan Singh, Baltej Singh and Sarbjit Kaur. He put his signatures upon written compromise dated 10.06.2019, copy of which is mark-A. He also produce the copy of his Adhar card as Mark-D. He has effected compromise with the accused without any pressure or coercion and the compromise is genuine one. He has no objection if the present FIR be quashed against accused as per above compromise.

Witness/Victim Navjot Singh has suffered a separate statement that a cross case bearing DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station Sardulgarh was registered upon the statement of Sukhdev Singh against accused namely Darshan Singh, Baltej Singh and Sarbjit Kaur. Panchayat got effected a written compromise between him, complainant Sukhdev Singh,

witness Amrik Singh, Jagjit Singh and accused Darshan Singh, Baltej Singh and Sarbjit Kaur. He put his signatures upon written compromise dated 10.06.2019, copy of which is mark-A. He also produce the copy of his Adhar card as Mark-E. He has effected compromise with the accused without any pressure or coercion and the compromise is genuine one. He has no objection if the present FIR be quashed against accused as per above compromise.

Witness/Victim Surjit Singh has suffered a separate statement that a cross case bearing DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station Sardulgarh was registered upon the statement of Sukhdev Singh against accused namely Darshan Singh, Baltej Singh and Sarbjit Kaur. Panchayat got effected a written compromise between him, complainant Sukhdev Singh, witness Amrik Singh, Jagjit Singh, Navjot Singh and accused Darshan Singh, Baltej Singh and Sarbjit Kaur. He put his signatures upon written compromise dated 10.06.2019, copy of which is mark-A. He also produce the copy of my Adhar card as Mark-F. He has effected compromise with the accused without any pressure or coercion and the compromise is genuine one. He has no objection if the present FIR be quashed against accused as per above compromise.

Witness/Victim Swarnjit Kaur has suffered a separate statement that a cross case bearing DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station

Sardulgarh was registered upon the statement of Sukhdev Singh against accused namely Darshan Singh, Baltej Singh and Sarbjit Kaur. Panchayat got effected a written compromise between her, complainant Sukhdev Singh, witnesses Amrik Singh, Jagjit Singh, Navjot Singh, Surjit Singh and accused Darshan Singh, Baltej Singh and Sarbjit Kaur. She put her signatures upon written compromise dated 10.06.2019, copy of which is mark-A. She also produce the copy of her Adhar card as Mark-G. She has effected compromise with the accused without any pressure or coercion and the compromise is genuine one. She has no objection if the present FIR be quashed against accused as per above compromise.

Accused Darshan Singh, Baltej Singh and Sarbjit Kaur have suffered their joint statement that a cross case bearing DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station Sardulgarh was registered upon the statement of complainant Sukhdev Singh against them. Amrik Singh, Jagjit Singh, Navjot Singh, Surjit Singh and Swarnjit Kaur were the witnesses in the said case. Panchayat got effected a written compromise between them, complainant Sukhdev Singh and witnesses namely Amrik Singh, Jagjit Singh, Navjot Singh, Surjit Singh and Swarnjit Kaur. They put their signature/thumb impression upon written compromise dated 10-06-2019, copy of which is mark-A, they produced copies of their Adhar-cards as Mark-H, mark-I and mark-J. They have effected compromise with the complainant and witnesses without any pressure or coercion an the compromise is genuine one.

None of the accused is proclaimed offender in the said case and they are not involved in any other case except the present one.

Further, ASI Jarnail Singh, No. 521/MNS now posted at Police Station Sardulgarh, who is the I.O. Of the case, has also got his statement recorded that he is the Investigation Officer of case having DDR No.052 dated 06.05.2019 under Sections 323/324/34 IPC Police Station Sardulgarh in FIR No.118 dated 06.05.2019 under Sections 326/324/323/148/149 IPC Police Station Sardulgarh

- 1. Three persons have been arrayed as accused in this case.*
- 2. None of the said accused is proclaimed offender.*
- 3. None of the accused of this case is involved in any other case.*
- 4. There are six victims/complainants in the said case.*

So, after going through the above statements of complainant, witnesses/victims and accused person, this Court is satisfied that a written compromise mark-A has been effected between the complainant, witnesses/victims and accused namely Darshan Singh, Baltej Singh and Sarbjit Kaur, is bonafide, without any coercion or undue influence and the same is genuine an voluntary. Further, as per the statement of SI Jarnail Singh, I.O. Of this case three persons have been arrayed as accused in this case, none of the accused is proclaimed offender, none of the accused of this case is involved in any other case and there are six victims/complainants in this case.

Hence, this report is hereby submitted to your honour, 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 the petitioners were not declared proclaimed offenders in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondents No. 3 to 8 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.

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, thus, the possibility of conviction is remote and the continuation of the criminal case would only strain the relationship between the petitioners and the complainant.

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”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.118 dated 06.05.2019 registered under Sections 326, 324, 323, 148 and 149 of IPC registered at Police Station Sardulgarh, District Mansa and all subsequent proceedings arising therefrom on the basis of the compromise dated 10.06.2019 (Annexure P-4), are ordered to be quashed, qua the petitioners.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

03.09.2021

Mehak

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No