

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 42599 of 2020
Date of Decision : 09.03.2021

Anokh Singh and others ...Petitioners

Versus

State of Punjab and another ...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioners.

Mr. Bhupender Beniwal, A.A.G., Punjab.

Ms. Rajwinder Kaur Sandhu, Advocate for respondent Nos.2.

B.S. Walia, J.

1. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No. 138 dated 06.10.2020, registered under Sections 341, 323, 148, 149 IPC, 1860, at Police Station Sadar Abohar, District Fazilka to which Section 325 IPC was added later on, along with all consequential proceedings emanating therefrom, on the basis of compromise, Annexure P/2 dated 21.10.2020.

2. Learned counsel contends that the aforementioned FIR was registered against the petitioners on the allegations that they had beaten up and inflicted injuries on respondent No.2 on 05.10.2020. However, with the intervention of respectable persons of the locality and Panchayat, the parties had amicably settled the matter vide compromise Annexure P/2 dated 21.10.2020 without any kind of undue influence of any person with their

own sweet will, and as a result thereof had filed the petition for quashing of the FIR.

3. Vide order dated 17.12.2020, the parties were directed to put in appearance before the learned Illaqa Magistrate / Duty Magistrate concerned on 07.01.2021 for recording of their statements in view of compromise Annexure P/2 dated 21.10.2020. Pursuant thereto, the parties appeared before the learned Judicial Magistrate, 1st Class Abohar and their statements were recorded that they had compromised the dispute with the intervention of respectable persons of the locality as well as Panchayat, without any fear, or pressure vide compromise dated 21.10.2020. Likewise, ASI Gurmail Singh suffered a statement that none of the accused had been declared as proclaimed offender and that no cross case was pending between the parties nor had challan been presented. Accordingly, on the basis of statement of the parties as well as concerned investigating officer, the learned Judicial Magistrate, 1st Class Abohar, submitted report that compromise had been effected between the complainant and the petitioners with their own free will, without any coercion, or pressure from any corner and the compromise was genuine.

4. Learned Counsel for the petitioners has relied upon the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and Ors. Vs. State of Punjab and Anr., 2007 (3) RCR (Criminal) 1052** to contend that the High Court has powers to quash proceedings even in non compoundable offences notwithstanding the bar under Section 320, Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice. Relevant extract of the same is reproduced as under :-

“39. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if

the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

5. Learned State counsel as well as learned counsel for the parties also support the prayer for quashing of the aforementioned FIR and all consequential proceedings emanating therefrom / connected therewith and state that they have no objection if the aforementioned FIR and all consequential proceedings emanating therefrom / connected therewith are quashed in view of the amicable and complete settlement of the dispute between the parties with the intervention of respectable persons of society as well as Panchayat.

6. In view of compromise Annexure P/2 dated 21.10.2020, statement of the parties recorded before the learned Judicial Magistrate, 1st Class, Abohar, besides report submitted by the learned Judicial Magistrate, 1st Class,

Abohar, the possibility of conviction of the petitioners in the case is remote and bleak. In the circumstances, continuation of the criminal case against the accused despite full and complete settlement between the parties would be an exercise in futility. Accordingly, in order to secure the ends of justice, it would be appropriate to put an end to the criminal case.

7. In view of the position as noted above, there is no impediment to this Court exercising its inherent powers under Section 482 Cr.P.C. to quash the aforementioned FIR and all consequential proceedings emanating therefrom / connected therewith as no useful purpose would be served by prolonging the litigation.

8. Accordingly, in the light of the position as noted above, FIR No. 138 dated 06.10.2020, registered under Sections 341, 323, 148, 149 IPC, 1860, at Police Station Sadar Abohar, District Fazilka to which Section 325 IPC was added later on, along with all consequential proceedings emanating therefrom, are quashed.

9. Criminal misc. petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

09.03.2021

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Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No