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

CRM-42073-2021 in/and
CRM-M-37193-2019
Date of decision : 15.12.2021

Sandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.P.S. Tung, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Varinder Basa, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-42073-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 15.02.2022 to an early date.

Learned counsel for the applicant-petitioner has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears

and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Varinder Basa, Advocate appears on behalf of non-applicant/respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 15.02.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 15.02.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.93 dated 20.06.2016 registered under Sections 279/337/338/427 of the Indian Penal Code, 1860 at Police Station Sadar Jagraon, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise/settlement deed dated 27.09.2016 (Annexure P-2).

On 04.09.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.93 dated 20.06.2016 (Annexure P-1) under Sections 279, 337, 338, and 427 IPC registered at Police Station Sadar Jagraon, District Ludhiana on the basis of compromise dated 27.09.2016 (Annexure P-2).

Notice of motion for 04.12.2019.

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. Varinder Basa, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on 19.09.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of parties 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 othe 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.

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Jagraon. The relevant portion of the said report is reproduced hereinbelow:-

“After going through the statements of the parties, this Court is satisfied and respondent No.2 namely Manmohan Singh has effected compromise with petitioner Sandeep Singh with his own free will and without any coercion or

pressure from any corner and same is found to be genuine.

It is further submitted that ASI Gurmit Singh suffered statement that he is Investigating Officer of the present case and the present case was registered on the statement of the complainant Manmohan Singh. In the present case, accused Sandeep Singh has been nominated and there is no any other accused in the present case and further, there is no other complainant/victim except Manmohan Singh. Accused is not nominated in any other case in Police Station Sadar Jagraon. Further, no accused has been declared proclaimed offender in the present case. Accordingly, in view of the statement suffered by Investigating Officer, it is clear that only one person is arrayed as accused in the present case and no accused is declared proclaimed offender in the present case and the present accused is not involved in any other FIR.

Accordingly, report is being submitted to your good-self for further proceedings.

Submitted please.

Yours faithfully,

Dated: 19.09.2019

Sd/- (Amrish Kumar)

Sub Divisional Judicial Magistrate

Jagraon”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 petitioner 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 No.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 two parties.

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**”, 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.93 dated 20.06.2016 registered under Sections 279/337/338/427 of the Indian Penal Code, 1860 at Police Station Sadar Jagraon, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise/settlement deed dated 27.09.2016 (Annexure P-2), are ordered to be quashed, qua the petitioner.

15.12.2021
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**