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

CRM-30772-2021 in/and
CRM-M-37792-2019
Date of decision : 24.09.2021

Harmeet Singh @ Eeta and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harmanpreet Sehgal, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Arshdeep Singh Sra, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

CRM-30772-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 15.12.2021 to an early date in view of the fact that the matter has been compromised and the statements of the parties regarding the compromise have also been recorded.

Notice in the application.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr.

Arshdeep Singh Sra, 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 15.12.2021 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 main petition is taken on Board today itself for final disposal.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No. 68 dated 20.07.2014 registered under Sections 323, 324, 341, 506, 34 of the Indian Penal Code, 1860 (Sections 27/54/59 of the Arms Act, 1959 have been deleted later on) at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise dated 16.08.2019 (Annexure P-2) qua the petitioners.

On 06.09.2019, the Coordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed seeking quashing of FIR No. 68 dated 20.07.2014, registered for the alleged commission of offences punishable under Sections 323/324/341/506/34 of the IPC and Sections 27/54/59 of the Arms Act, at Police Station Gidderbaha, District Sri Mukhsar Sahib, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. Rajat Bansal, A.A.G., Punjab accepts notice on behalf of respondent no. 1.

A copy of the petition be handed over to him during the course of the day.

Respondent no. 2 be served by way of ordinary process.

Adjourned to 04.11.2019.

In the meanwhile, the petitioners as also respondent no. 2, would appear before the learned Area Magistrate/trial Court up-to 01.10.2019, to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The Area Magistrate/trial Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.”

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

“Respected Sir,

In reference to the subject cited above, it is humbly submitted that in compliance to orders dated 06.09.2019

passed by the Honourable Punjab and Haryana High Court, Chandigarh in Crl. Misc.-M no.37792 of 2019, complainant (1) Sukhmander Singh son of Karnail Singh, resident of Village Husnar, Tehsil Gidderbaha, District Sri Muktsar Sahib, eye witness (2) Daler Singh son of Sukhmander Singh, resident of Village Husnar, Tehsil Gidderbaha, District Sri Muktsar Sahib, accused (1) Harmeet Singh alias Eeta aged about 29 years son of Dilbag Singh, (2) Dilbag Singh aged about 63 years son of Kala Singh, (3) Gurmeet Singh aged about 41 years son of Dilbag Singh, (4) Jaspreet Singh alias Jassu alias Jaggu aged about 21 years son of Gurmeet Singh, all residents of Village Husnar, Tehsil Gidderbaha, District Sri Muktsar Sahib appeared in the Court of undersigned being Illaqa Magistrate on 25.09.2019 for recording their statements. Their statements have been recorded separately in the Court.

Complainant Sukhmander Singh and eye witness Daler Singh have made separate statement that they have compromised matter in this above said FIR with accused Harmeet Singh alias Eeta, Dilbag Singh, Gurmeet Singh, Jaspreet Singh alias Jassu alias Jaggu voluntarily with their free will, without undue influence and pressure with intervention of respectable persons of area. Similarly, all the said accused have made separate statement to the effect that they have compromised the matter with complainant Sukhmander Singh and eye witness Daler Singh. Both the parties have been duly identified in the Court. Both parties have no grudge against each other.

It is further respectfully submitted that statement of eye witness Daler Singh was recorded on the request of both the parties as an affected party who is not a victim or injured in this case.

This Court is of the considered opinion that the compromise between complainant Sukhmander Singh and eye

witness Daler Singh on one side and accused Harmeet Singh alias Eeta, Dilbag Singh, Gurmeet Singh, Jaspreet Singh alias Jassu alias Jaggu, on the other side has been arrived at voluntarily without any pressure with their free will and same is genuine one. As such the compliance report along with statements of the parties is hereby submitted please.

Thanking you,

Your Faithfully,
Sd/- Parvinder Kaur, PCS,
UID No.PB-0324
Sub Divisional Judicial Magistrate
Gidderbaha ”

A perusal of the said report would show that it has been found that the compromise effected between the parties is voluntarily, genuine and without any pressure, with their free will.

Learned counsel for the petitioners 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. He has further submitted that respondent No.2 has no objection in case the FIR in question and all the subsequent proceedings arising therefrom are quashed qua the petitioners.

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”

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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 68 dated 20.07.2014 registered under Sections 323, 324, 341, 506, 34 of the Indian Penal Code, 1860 (Sections 27/54/59 of the Arms Act, 1959 have been deleted later on) at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise dated 16.08.2019 (Annexure P-2) qua the petitioners.

24.09.2021
Pawan

(VIKAS BAHL)
JUDGE

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

Whether reportable:- **Yes/No**