

CRM-M-48987-2021

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

(234)

CRM-M-48987-2021.
Date of Decision:-13.12.2021.

Pargat Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab, for
respondent No.1.

None for respondent Nos.2 to 6.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.0003 dated 09.01.2017, registered under Sections 424, 452, 427, 148 and 149 of IPC at Police Station Tanda, District Hoshiarpur (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 12.11.2021 (Annexure P-2).

On 23.11.2021, this Court was pleased to pass the following order:-

"This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.3 dated 09.01.2017 registered under Sections 424, 452, 427, 148, 149 of the Indian Penal Code, 1860 at Police Station Tanda, District Hoshiarpur, and all the subsequent proceedings arising therefrom on the basis of compromise dated

CRM-M-48987-2021

12.11.2021 (Annexure P-2).

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

Notice of motion for 13.12.2021.

On asking of the Court, Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent- State and Mr. Ritesh Pandey, Advocate appears on behalf of respondent Nos.2 to 6.

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, the report has been submitted by the Judicial Magistrate Ist Class, Dasuya to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“From the statements of the parties as well as Investigating

CRM-M-48987-2021

Officer of the case, it could be deduced that:

- 1) There are four accused in the present case namely Pargat Singh Harpreet Singh @ Happy, Sukhman Pal Singh @ Jogga and Harpreet Singh @ Pawla.*
- 2) Accused Sukhman Pal Singh @ Jogga and Harpreet Singh @ Pawla has already been declared as Proclaimed Offender in the present.*
- 3) Compromise is genuine, voluntarily and without any coercion or undue influence.*
- 4) As present accused namely Harpreet Singh @ Happy and Pargat Singh are not involved in any other FIR.*
- 5) As per statement of Investigating Officer only complainant received injuries in the present case.*

The copy of recorded statements of parties and I.O. are enclosed herewith.

This is for your kind information and for necessary action.

Submitted please,

Yours faithfully

Sd/-

*(Priyanka Sharma),
Judicial Magistrate Ist Class
Dasuya
UID No.PB00544”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid.

CRM-M-48987-2021

Learned counsel for the petitioners has submitted that there are no other cases pending against the accused. Learned counsel for the State, on instructions, has reaffirmed the said fact.

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 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 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

CRM-M-48987-2021

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, this petition is allowed and FIR No.0003 dated 09.01.2017, registered under Sections 424, 452, 427, 148 and 149 of IPC at Police Station Tanda, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 13, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No