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

CRM-M-49755-2021

Date of decision : 21.12.2021

Babu Ram and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kuldip Singh, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rajinder Kumar Kantiwal, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.115 dated 02.05.2021 registered under Sections 323, 295-A, 148, 149, 506 of the Indian Penal Code, 1860 at Police Station City Muktsar, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 12.11.2021 (Annexure P-2).

On 29.11.2021, this Court had passed the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.115 dated 02.05.2021 registered under Sections 323, 295-A, 148, 149, 506 of the Indian Penal Code, 1860 at Police Station City Muktsar, District Sri Muktsar

Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 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 21.12.2021.

On asking of the Court, Mr. Sukhbeer Hundal, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Rajinder Kumar Kantiwal, Advocate appears on behalf of respondent No.2.

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.*

29.11.2021”

In pursuance of the abovesaid order, a report has been submitted by the Chief Judicial Magistrate, Sri Muktsar Sahib. The relevant portion of the said report is reproduced hereinbelow:-

“The undersigned has carefully gone through the statements got recorded by the aforesaid parties. Ex-facie, it transpires from the Statements of the parties (recorded before

the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.

It is further humbly submitted that this Court was further directed to give the report with regard to number of persons arrayed as accused, whether any accused is proclaimed offender, whether the accused persons are involved in any other FIR or not and how many victims/complainants are there in the FIR. It is humbly submitted that in this regard the statement of ASI Baldev Singh, no.814/SMS, posted at Police Station City Sri Muktsar Sahib was recorded on 10.12.2021. ASI Baldev Singh has deposed that he is the Investigation Officer of the case FIR No.115, dated 02.05.2021 U/s 323, 295-A, 148, 149, 506 of IPC, P.S. City, Sri Muktsar Sahib. He has further stated that the case was registered on the statement of Gurmeet Singh @ Jeeta against Babu Ram, Chiman Lal @ Chaman Lal, Shinderpal @ Chhinderpal Singh, Sadhu Singh, Sukhpal Singh @ Sukhpal and Chiman Lal Lathoria @ Chiman Lal Lathoria. He has further stated that as per record available in the police station, there is only six accused in the aforesaid FIR and they have not been declared proclaimed offender in this FIR. He has further stated the said accused have no previous history of any other FIR except the FIR, He has further stated that there is one victim/complainant namely Gurmeet Singh @ Jeeta in this FIR.

It is further submitted that from the statement suffered by ASI Baldev Singh, who is the Investigating Officer of the present case, it is found that only aforesaid accused arrayed as accused, any of the aforesaid accused is not proclaimed offender, the aforesaid accused are not involved in any other

FIR and there is only the above named victim/complainant in the FIR.

Hence this report. Photocopies of the statements are enclosed herewith for kind perusal.

Submitted please,

Yours faithfully,

Sd/- (Raj Pal Rawl, PCS PB0274)

Chief Judicial Magistrate

Sri Muktsar Sahib

Enclosures: Photocopies of the statement of the parties.”

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 petitioners has submitted that the petitioners are not involved in any other FIR and were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that these facts are 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.115 dated 02.05.2021 registered under Sections 323, 295-A, 148, 149, 506 of the Indian Penal Code, 1860 at Police Station City Muktsar, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 12.11.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

21.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No