

CRM-M-50894-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(243)

CRM-M-50894-2021

Date of Decision:-22.12.2021.

Amrit Singh @ Mika and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jagjit Singh Thablan, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Jimmy Singla, Advocate for
Ms. Anshika Sharma, 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.0103 dated 30.05.2020 under Sections 342, 325, 324, 323, 34 and 506 of IPC, registered at Police Station, Khamano, District Fatehgarh Sahib (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.11.2021 (Annexure P-2).

On 06.12.2021, this Court was pleased to pass the following order:-

“This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.0103 dated 30.05.2020 under Sections 342, 325, 324, 323, 34 and 506 of IPC, registered at Police Station, Khamano, District Fatehgarh Sahib (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.11.2021 (Annexure P-2).

Notice of motion for 22.12.2021.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab

CRM-M-50894-2021

appears and accepts notice on behalf of the respondent-State. Ms. Anshika Sharma, Advocate appears and accepts notice on behalf of respondent No.2/complainant and filed her power of attorney. Same is taken on record.

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 Sub Divisional Judicial Magistrate, Khamanon to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“Sir, after going through their statements recorded by the accused persons, complainant Amrik Singh son of Jeeta and the Investigating Officer, as per the record, there are 3 accused namely Amrik Singh @ Mika, Gurdeep Singh @ Goldi and Harjinder Singh

CRM-M-50894-2021

@ China and they have never been declared Proclaimed Offenders at any stage of investigation. At present, the case is pending investigation with the police. No other case is pending against the accused persons as per the report of IO. After going through the statements of the complainant and accused persons, I am satisfied that compromise in between these parties and which is voluntary without any pressure or undue influence and out of their own free will.

The report as desired, is submitted accordingly for Your Honour's kind perusal, through Ld. District & Sessions Judge, Fatehgarh Sahib.

Submitted please.

Yours Sincerely,

Encls: As above.

Sd/-

*(Sonali Singh)
Sub Divisional Judicial Magistrate,
Khamanon. UID No.PB0338*

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. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending against the petitioners.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

CRM-M-50894-2021

Learned counsel for respondent Nos.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 parties.

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 is of the opinion 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 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”***, 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

CRM-M-50894-2021

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.0103 dated 30.05.2020 under Sections 342, 325, 324, 323, 34 and 506 of IPC, registered at Police Station, Khamano, District Fatehgarh Sahib (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 22, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No