

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(246)

CRM-M-51364-2021

Date of decision: - 22.12.2021

Savar Ali

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Paramjit Singh Bal, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. M.S. Rana, 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.197 dated 05.10.2021 under Sections 452, 323, 148, 149, 506 and 427 of IPC, registered at Police Station, City-2, Khanna, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise dated 22.11.2021 (Annexure P-2).

On 09.12.2021, 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.197 dated 05.10.2021 under Sections 452, 323, 148, 149, 506 and 427 of IPC, registered at Police Station, City-2, Khanna, District

Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise dated 22.11.2021 (Annexure P-2).

Notice of motion for 22.12.2021.

On asking of the Court, Mr. Sukhbeer Singh, Punjab appears and accepts notice on behalf of the respondent-State. Mr. M.S. Rana, Advocate appears and accepts notice on behalf of respondent No.2/complainant.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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 1st Class, Khanna, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“From the aforesaid statements written by the undersigned, it appears that: -

- (i) As per the statement of ASI Charanjit Singh No.623/Khanna, present FIR was registered against five persons, out of which one accused is Savar Ali and other four were unknown persons.
- (ii) Further, as per the statement of ASI Charanjit Singh No.623/Khanna, accused Savar Ali has not been declared as proclaimed offender in this case.

(3) Further, the parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise on the face of it seems to be voluntary, genuine and true.

(4) Further as per the statement of ASI Charanjit Singh No.623/Khanna, accused Savar Ali is not involved in any other criminal case/FIR.

(5) Further as per the statement of ASI Charanjit Singh No.623/Khanna, there are two injured in the present case namely Gurdeep Singh son of Darshan Singh and one Sarban Kumar.

With these submissions, the report with regard to the compromise is being submitted accordingly for the kind perusal of the Hon'ble Court please. Statements in original of the aforesaid persons and copy of compromise Ex.C-1 besides copies of Ex.C-2 & Ex.C-3, are also annexed herewith for kind perusal.

Submitted please.

Yours Sincerely,

Encl. As above.

Sd/-

(Deepal Singh), PCS
Judicial Magistrate 1st Class,
Khanna. (UID-PB-468)."

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.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he has not been declared a proclaimed offender. 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 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 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**”, 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”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.197 dated 05.10.2021 under Sections 452, 323, 148, 149, 506 and 427 of IPC, registered at Police Station, City-2, Khanna, District Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

December 22, 2021
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/
No