

CRM-M-51677-2021

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

(248)

CRM-M-51677-2021.
Date of Decision:-22.12.2021.

Mohd. Akhtar and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Imran Farooqi, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent Nos.2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.112 dated 09.09.2021, registered under Sections 452, 323, 427, 506, 148, 149, 341, 342, 120-B of IPC at Police Station Sadar Ahmedgarh, District Sangrur (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.11.2021 (Annexure P-2).

On 10.12.2021, 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.112 dated 09.09.2021 under Sections 452, 323, 427, 506, 148, 149, 341, 342 and 120-B of IPC, registered

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at Police Station, Sadar Ahmedgarh, District Sangrur 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, appears and accepts notice on behalf of respondent No.1-State. Mr. Ravi Malik, Advocate appears and accepts notice on behalf of respondent Nos.2 to 4 and filed his memorandum of appearance. 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 07 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.”*

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In pursuance of the said order, the report has been submitted by the Judicial Magistrate Ist Class, Malerkotla, District Sangrur to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“As per FIR No.112 dated 09.09.2021, two person namely Mohd. Akhtar and Ramzan Mohd have arrayed as accused. As per order dated 10.12.2021 passed by the Hon’ble High Court in CRM-M-No.51677-2021, accused have approached for seeking quashing of FIR and other consequential proceedings against them on the basis of compromise. The said accused persons have been identified by their counsel Sh. Imran Farooqi, Advocate (Enrollment no.P/2926/2013) on the day of recording their statement regarding compromise i.e. 20.12.2021.

As per statement of accused persons and as per record, they have not been declared as proclaimed offender. They have also suffered a statement regarding the compromise and they have also no objection if the present FIR and other proceedings are also quashed against them.

From the statements given by the parties, this court is of the considered view that the compromise is genuine, voluntary and without any coercion or undue influence. From their statements, the under signed is of the opinion that compromise has effected between the parties willfully and without any pressure or coercion. Hence, this report is submitted for kind

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perusal.

Report submitted please.

Dated: 20.12.2021

Yours faithfully,

Sd/-

*Judicial Magistrate Ist Class,
Malerkotla, UIC:PB-0393”*

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.

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.

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.

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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 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

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is allowed and FIR No.112 dated 09.09.2021, registered under Sections 452, 323, 427, 506, 148, 149, 341, 342, 120-B of IPC at Police Station Sadar Ahmedgarh, District Sangrur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 22, 2021.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No