

CRM-M-51847-2021

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

(249)

CRM-M-51847-2021.
Date of Decision:-22.12.2021.

Narinder Pal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Pooja Arora, Advocate for
Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Lakhvir Kumar, Advocate for respondent No.2.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.319 dated 01.09.2021, registered under Sections 406 and 420 of IPC at Police Station Kotwali, Patiala (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 23.11.2021 (Annexure P-2).

On 13.12.2021, 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.152 dated 05.11.2020 registered under Sections 420, 406, 506 of the Indian Penal Code, 1860 and

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Section 13 of the Punjab Travel Profession (Regulation) Act, 2014 at Police Station Bhaini Mian Khan, District Gurdaspur, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 22.12.2021.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vishal Munjal, 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 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?*

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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 Chief Judicial Magistrate, Patiala (Punjab) to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“Hence, in view of above statements point wise report submitted as under:-

- 1. As per statement of ASI Mangal Singh No.783 Posted at Police Station Kotwali Patiala, FIR was registered against only one person namely Narinderpal Singh.*
- 2. As per statement of ASI Mangal Singh No.783 Posted at Police Station Kotwali Patiala, accused is not proclaimed person in this case.*
- 3. In view of the statements of the parties i.e. complainant and accused, it is found that compromise arrived at between the parties is genuine, voluntary and a result of their own free will without any pressure, coercion or undue influence from any quarter. The compromise has been arrived at with an aim to put an end to the ensuing rivalry between the parties.*
- 4. On asking the specific question to accused Narinderpal Singh that whether he is involved in any other case/FIR or not, he replied that except the present FIR/Case he is not involved in any other case/FIR. However, to verify this fact this question was asked to ASI Mangal Singh No.783 who*

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replied that apart from the present case, accused Narinderpal Singh is involved in another case/FIR no.228 dated 19.08.2020 registered under Section 341, 323, 506 IPC, PS City Sunam, District Sangrur.

5. Statement of investigating officer ASI Mangal Singh No.783 has been recorded on 16.12.2021, who stated that there is only one complainant/victim namely Arun Aggarwal in the present case.

Report is submitted for your honour's kind perusal.

Yours faithfully

Sd/-

*(Amit Malhan) PCS,
Chief Judicial Magistrate,
Patiala (Punjab).
UID No.PB0250"*

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 petitioner.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case. Learned counsel for the State, as per

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instructions, has stated that this fact is correct.

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:-

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“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.319 dated 01.09.2021, registered under Sections 406 and 420 of IPC at Police Station Kotwali, Patiala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 22, 2021.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No