

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

233

CRM-M-695-2019

Decided on : 15.12.2021

Damanpreet Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Dr. Sumati Jund, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of DDR No. 42 dated 27.09.2018 in FIR No. 172 dated 26.09.2018 registered under Sections 341, 323, 336, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 30 of the Arms Act, 1959 registered at Police Station Chamkaur Sahib, District Rupnagar (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 03.12.2018 (Annexure P-3).

When the matter came up before this Court on 23.09.2021, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of DDR No.42 dated 27.09.2018 in FIR No.172 dated 26.09.2018 registered under Sections 341, 323, 336, 506, 148, 149 of the Indian Penal Code, 1860 and Sections 25 and 30 of the Arms Act, 1959 at Police Station Chamkaur Sahib, District Rupnagar, Punjab (Annexure P-2) and all the subsequent

proceedings arising therefrom on the basis of compromise deed dated 03.12.2018 (Annexure P-3).

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise. He has further submitted that in the present case, the compromise has been effected and prays that the parties be permitted to get their statements recorded before the trial Court.

Adjourned to 15.12.2021.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one month.

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, a report has been submitted by the Judicial Magistrate 1st Class, Rupnagar to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“On the basis of above statements, the point wise report is as under:

- 1. There are three accused namely Damanpreet Singh son of Gursharan Singh, Manpreet Singh son of Swaran*

Singh and Shabaj Singh son of Rai Singh arrayed in the present DDR.

2. *As per statement of Investigating Officer ASI Sanjeev Kumar No. 568/R, none of the accused has been declared as proclaimed offender in the present case.*
3. *From the statement of complainants as well as accused Damanpreet Singh, Manpreet Singh and Shabaj Singh and written compromise Ex.C1 and Ex.C2, compromise seems to be genuine, voluntary and out of the free will of the parties.*
4. *As per statement of ASI Sanjeev Kumar, no other FIR/DDR is pending against accused Damanpreet Singh, Manpreet Singh and Shabaj Singh.*
5. *As per statement of Investigating Officer there are two complainants/victims namely Navtej Singh and Major Singh in the present FIR/DDR.*

The report is submitted.”

A perusal of the said report would show that 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is not involved in any other case. Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent Nos. 2 to 4 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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”***, 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, the petition is allowed and DDR No. 42 dated 27.09.2018 in FIR No. 172 dated 26.09.2018 registered under Sections 341, 323, 336, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 30 of the Arms Act, 1959 registered at Police Station Chamkaur Sahib, District Rupnagar (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 03.12.2018 (Annexure P-3), are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 15th, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No