

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

282

CRM-M-890-2021
Decided on : 05.05.2022

Harjit Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Tejinder Pal S. Makkar, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. R. S. Khinda, Advocate
for respondent Nos. 2 to 5.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 148 dated 06.07.2020 under Sections 452, 354, 323 and 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 08.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“In this petition, the Petitioners, who are the accused persons in F.I.R No.148, dated 06.07.2020, under Sections 452, 354, 323, 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Sri Muktar Sahib, District Sri Muktsar Sahib (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent

proceedings arising therefrom, on the basis of compromise.

Ld. Counsel for the Petitioners refers to Panchayati Compromise (Annexure P-2), and states that the matter has been amicably settled between the parties.

Notice of motion.

Mr. B.S. Sewak, Addl. Advocate General, Punjab to accept notice on behalf of Respondent No.1/State. A copy of the Paper-book be supplied to him.

At this stage, Mr. R.S. Khinda, Advocate has put in appearance on behalf of Respondents No.2 to 5 through Video Conferencing and admits the factum of compromise.

In view of the matter, the parties shall appear before the Ld. Trial Court/Illaq Magistrate on 09.02.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 08.05.2021.

January 08,2021 *Sd/-
(SUDIP AHLUWALIA)
JUDGE”*

In pursuance of the said order, a report has been submitted by the Additional Chief Judicial Magistrate, Sri Muktsar Sahib to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In view of the aforesaid statements, the report as desired by Hon'ble Punjab and Haryana High Court is hereby submitted as follows:

- 1. Five number of persons namely Harjit Singh, Komalpreet Singh, Raju Singh, Gurwinder Singh and Sukhchain Singh have been arrayed as accused in the present FIR.*
- 2. None of the aforesaid accused persons has been declared as proclaimed offender in the case as per the statement of the accused and that of Investigating Officer.*
- 3. One of the accused Raju Singh is also involved in another case in one FIR no.54 dated 20.05.2016 U/s 458/459/323/325/506/148/149 IPC and his trial is pending in the court of Learned Sessions Judge, Sri Muksar Sahib.*
- 4. As per the statements of the parties, compromise effected between them appears to be genuine, voluntary and without any coercion or undue influence.*

Therefore report alongwith statements of parties as desired by Hon'ble High Court is submitted with a request to put up before Hon'ble Punjab & Haryana High Court in CRM-M-890-2021 pending

for 08.05.2021.”

A perusal of the above report would show that it has been stated that the statements of Complainants as well as the petitioners have been recorded in the case and they 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 complainants has been made voluntarily without any fear, coercion or pressure. Merely the fact that one of the petitioners Raju Singh is involved in one other case also would not come in the way of quashing of the present FIR on the basis of the compromise.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that the abovesaid fact is correct.

Learned counsel for respondent Nos. 2 to 5 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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 FIR No. 148 dated 06.07.2020 under Sections 452, 354, 323 and 34 of the Indian Penal Code,1860 registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 5th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No