

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242

CRM-M-597-2022

Decided on : 09.02.2022

Kuljit Kaur and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Amandeep Singh Manaise, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 53 dated 06.05.2021 registered under Sections 452, 324, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 (Sections 325 and 326 IPC added later on) registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 29.12.2021 (Annexure P-2).

When the matter came up before this Court on 10.01.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.53 dated 06.05.2021 registered under

Sections 452, 324, 323, 427, 506, 148, 149 of the Indian Penal Code, 1860 (Sections 325, 326 of IPC have been added later on) at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur and all the subsequent proceedings arising therefrom on the basis of compromise dated 29.12.2021 (Annexure P-2).

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

Notice of motion for 09.02.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Gagandeep Singh, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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, a report has been submitted by the Judicial Magistrate 1st Class, Batala to the Deputy Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“It is submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence. It is further submitted that as per version of IO there are total 11/12 persons arraigned as accused and 7 persons are arraigned by name and four/five persons were unknown. It is further mentioned that seven accused persons arraigned as accused namely Kuljeet Kaur W/o Malkeet Singh, Sawinder Kaur W/o Lt. Bikramjeet Singh, Sarwan Singh @ Gurkirat Singh S/o Lt. Bikramjeet Singh all residents of Umarwal, Gurmukh Singh S/o Nishan Singh, Sandeep Singh S/o Palwinder Singh R/o Kala Nangal, at present Chaudhriwal, Sukhraj Singh S/o Darshan Singh and laddi all residents of Village Chaudhriwal, District Gurdaspur and no accused person has been declared as proclaimed offender and in this FIR there is only one victim/complainant Sukhwinder Singh son of Baldev Singh resident of Village Umarwal, Tehsil Batala District Gurdaspur. It is further submitted that accused/petitioner No. 4 Sukhraj Singh S/o Darshan Singh R/o Chaudhriwal is involved in another FIR No. 5 dated 02.02.2019, u/s 379 IPC and Section 21(1) Mining Act registered at PS Ghoman. This is for your kind perusal please.

Submitted please”

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. The fact that petitioner No. 4 is involved in one more case, would not come in the way of quashing of the present FIR.

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 this fact is correct.

Learned counsel for respondent Nos. 2 and 3 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 petitioners 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 FIR No. 53 dated 06.05.2021 registered under Sections 452, 324, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 (Sections 325 and 326 IPC added later on) registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 29.12.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

February 9th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No