

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(240)

CRM-M-679-2022

Date of decision: - 07.02.2022

Baldev Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Harpreet Kaur Arora, Advocate,
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Rahul Vijay Singh, Advocate
for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of the Kalandra registered vide DDR No.17 dated 04.11.2017 registered under Section 66 of the Police Act, 2007 (Annexure P-1) at Police Station Basti Jodhewal, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise dated 15.11.2021 (Annexure P-2).

On 10.01.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of DDR No.17 dated 04.11.2017 registered under Section

66 of the Police Act, 2007 (Annexure P-1) at Police Station Basti Jodhewal, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise dated 15.11.2021 (Annexure P-2).

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

Notice of motion for 07.02.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Rahul Vijay Singh, 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 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, the report has been submitted by the Judicial Magistrate First Class, Ludhiana, to the Deputy Registrar (Criminal) of this Court. The relevant part of the report is reproduced hereinbelow:-

“As directed vide order dated 10.01.2022, the report is as under:

1. *There are two accused arrayed in the DDR namely Baldev Singh and Amandeep Kaur*
2. *No accused has been declared proclaimed offender in this case.*
3. *Compromise has been effected between the parties is genuine, voluntary and out of free will.*
4. *Accused persons are not involved in any other FIR or DDR as stated by S1 Jasvir Singh.*

As per the statement of SI Jasvir Singh there is only one complainant namely Dharminder Singh in present DDR.

Report is submitted for perusal.

Yours faithfully

(Davinder Singh)

Judicial Magistrate 1" Class,

Ludhiana. UID No. PB-0569”

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 there genuine, voluntary and out of free will.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No.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 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, this petition is allowed and the Kalandra registered vide DDR No.17 dated 04.11.2017 registered under Section 66 of the Police Act, 2007 (Annexure P-1) at Police Station Basti Jodhewal, District Ludhiana and all the subsequent proceedings emanating therefrom, are ordered to be quashed, qua the petitioners.

February 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No