

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

260

CRM-M-940-2022
Decided on : 18.04.2022

Madhav and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Piyush Sharma, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Jaswinder Singh Grewal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 149 dated 18.09.2021 under Sections 323, 341, 452, 336, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Amloh, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 01.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Taken up in virtual mode.

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.149 dated 18.09.2021 under Sections 323/341/452/336/148/149 of the Indian Penal Code, 1860 (IPC) and Sections 25/27 of the Arms Act,

1959 registered at Police Station Amloh, District Fatehgarh Sahib and all other consequential proceedings arising there-from on the basis of compromise deed dated 31.12.2021 (Annexure P-2).

Learned counsel for the petitioners would contend that the parties have since compromised the matter and the written compromise deed dated 31.12.2021 has been appended with the present petition as Annexure P-2. Learned counsel for the petitioners would further contend that no injuries were received by any of the party in the present case.

*Learned counsel for the petitioners has relied upon the judgment of Hon'ble Supreme Court rendered in **"Gian Singh V/s State of Punjab &Anr." 2012 (10) SCC 303** and the Larger Bench's judgment of this Court in **"Kulwinder Singh &Ors. Vs. State of Punjab &Anr." 2007 (3) RCR (Criminal) 1052.***

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG Punjab, accepts notice on behalf of respondent No.1-State. Mr. Jaswinder Singh Grewal, Advocate accepts notice for respondent No.2/complainant. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2/complainant has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. He further submits that the said compromise has been duly signed by all the concerned parties and further that respondent No.2/complainant has no objection if the aforesaid FIR is quashed.

List on 18.04.2022.

Meanwhile, the parties are directed to appear

before the concerned CJM/Illaq Magistrate/Trial Court on 02.03.2022, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the settlement/compromise dated 31.12.2021 has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.*

01.02.2022

*Sd/-
(ALKA SARIN)
JUDGE”*

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

“12. It is further humbly submitted that:-

- i. From the statements of the parties, it seems that the compromise dated 31.12.2021 between the parties is voluntary, genuine and without any undue influence, coercion or pressure of any kind.*
- ii. As per the statement of 10 ASI Jaswinder*

Singh, accused and Gaganjeet Singh (juvenile at conflict with law) are not involved in any other criminal case except accused Amritpal Singh and Ravinder Singh. Accused Amritpal Singh son of Jaswinder Singh & Ravinder Singh are involved in other criminal case i.e. FIR no.60 dated 29.6.2021 under section 382, 324, 506, 323, 34 IPC PS Cant. Ferozpur & FIR no. 157 dated 30.9.2020 under section 365, 323. 506, 148, 149, 324, 34 IPC PS Kaulgarhi, District Ferozpur. As per the statements of accused Amritpal Singh and Ravinder Singh, they have filed petition for quashment for the aforementioned FIRs.

iii. As per the statement of IO, no proclamation proceedings are pending in the present case.

13. The complainant Amritpal Singh son of Gurcharan Singh and accused persons namely Madhav Monga, Ravinder Singh, Amritpal Singh son of Jaswinder Singh, Himmat Singh, Lovebrinder Singh, Gaganjeet Singh (Juvenile at conflict with law) as well as his guardian father namely Sahib Inderjit Singh and Ranjot Singh have no objection if the above said FIR and the consequential proceedings are quashed against the accused persons namely Madhav Monga, Ravinder Singh, Amritpal Singh son of Jaswinder Singh, Himmat singh, Lovebrinder Singh, Gaganjeet Singh (Juvenile at conflict with law) and Ranjot Singh in view of the compromise

entered into between the parties which is with their free will and without any coercion or undue influence or pressure of any kind.

14. This is for your kind information, please.

Thanking you.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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. Merely the fact that some of the petitioners are involved in other cases also does not come in the way of quashing of the present FIR on the basis of 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 No. 2 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. 149 dated 18.09.2021 under Sections 323, 341, 452, 336, 148 and 149 of the Indian Penal Code,1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Amloh, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 18th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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