

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259 (A)

CRM-M-994-2022

Decided on : 28.03.2022

Sarabjit Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Varinder Basa, Advocate for
Mr. Sultan Singh Gill, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Tarun Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of DDR No. 30 dated 25.06.2016 under Sections 324, 323 and 34 of the Indian Penal Code, 1860 (Sections 326 and 325 IPC added later on) registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-2) in FIR No. 156 dated 25.06.2016 under Sections 324, 323, 341, 506 and 34 of the Indian Penal Code, 1860 (Sections 326 IPC added later on) registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 01.02.2022, the following order was passed:-

“These are the two petitions which have been

filed for quashing of FIR No.156, dated 25.06.2016, under Sections 324, 323, 341, 506 and 34 of the IPC (Section 326 of the IPC added later on) as well as the cross-case being DDR No.30, dated 25.06.2016, under Sections 324, 323 and 34 of the IPC (Sections 326 and 325 of the IPC added later on) registered in the said FIR, at Police Station Sadar Ferozepur, District Ferozepur, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argue that both the parties have amicably resolved their issues and according to the Compromise Deed dated 27.12.2021, the petitioners do not intend to pursue their respective complaints on the basis of which the FIR and DDR were registered against the concerned parties.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of the State/respondent No.1 in both the cases.

Mr. Sultan Singh Gill, Advocate, and Mr. Tarun Sharma, Advocate, accept notice on behalf of respondent No.2 in CRM-M-904-2022 and CRM-M-994-2022, respectively. They admit the factum of the compromise entered into between the parties and raise no objection, in case the FIR/DDR in question is quashed on the basis of the said compromise.

Adjourned to 28.03.2022 .

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements with regard to the compromise/settlement on 28.02.2022 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to

submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a 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, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.*

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR/DDR is to be quashed.

A copy of this order be placed on the file of connected case. ”

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

“I have the honour to submit that, as per directions issued by Hon'ble High Court, vide order dt 01.02.2022, the parties appeared before the undersigned and recorded their respective statement, copies of which are enclosed herewith, for your Honour's kind perusal.

It is further respectfully submitted that

(i)there are TWO persons arrayed as accused in the FIR;

(ii)no accused is PO;

(iii) the compromise is genuine, voluntary and without any coercion or undue influence and

(iv) The accused Sarabjit Singh is involved in two other FIRs No. 316/2017 and No. 236/2020 registered at PS Sadar Ferozepur;

(v)separate statement of I.O. ASI Gurmeet Singh No.1497/FZR has been recorded, as directed, to the effect that there is only one victim/complainant who alongwith all the accused are party to the compromise in question.

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 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 one of the petitioners is involved in two other FIRs also, would not come in the way of compromising 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 said 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 DDR No. 30 dated 25.06.2016 under Sections 324, 323 and 34 of the Indian Penal Code, 1860 (Sections 326 and 325 IPC added later on) registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-2) in FIR No. 156 dated 25.06.2016 under Sections 324, 323, 341, 506 and 34 of the Indian Penal Code, 1860 (Sections 326 IPC added later on) registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

March 28th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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