

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1118-2020

Date of decision : 25.03.2022

Gurmeet Singh @ Shantu

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.G.S.Dhillon, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Dushyant Saharan, Advocate
for complainant-respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.187 dated 30.07.2013 registered under Sections 294, 506, 509 IPC at Police Station Phase-1, SAS Nagar, Mohali and all other consequential proceedings arising therefrom on the basis of compromise.

On 13.01.2020, a coordinate Bench of this Court was pleased to pass the following order:-

“Ld. counsel for the petitioner refers to Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion.

In view of the matter, the parties shall appear before the Ld. Trial Court/Illaq Magistrate on 20.02.2020 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 26.03.2020.

January 13, 2020

*(SUDIP AHLUWALIA)
JUDGE”*

In pursuance to the said order, a report has been submitted by the Chief Judicial Magistrate, SAS Nagar, Mohali. The relevant portion of the said report is reproduced hereinbelow:-

“It is submitted that the accused Gurmeet Singh @ Shantu and complainant S.K. Mittal had appeared on 20.02.2020 and made a statement that the matter has been compromised between them. IO ASI Baljinder Singh had appeared on 24.02.2020, whose statement was recorded. (Copies of statements attached herewith)

The report is submitted as under:-

- 1. In view of the statement of the parties the compromise is genuine, voluntarily and without any pressure.*
- 2. As per the statement of IO, there is only one accused namely Gurmeet Singh @ Shantu and no other person is involved in the present FIR.*
- 3. As per the statement of IO, no accused is proclaimed offender in the present FIR.*

Submitted please.

Yours faithfully,

*(DEEPIKA SINGH)
UID No.PB 0222
Chief Judicial Magistrate
SAS Nagar, Mohali”*

A perusal of the above said report would show that the petitioner and complainant-respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine and out of free will.

Learned counsel for the petitioner has submitted that there is no

other FIR against the petitioner and he was not declared proclaimed

offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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 two parties.

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 petitioner 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.187 dated 30.07.2013 registered under Sections 294, 506, 509 IPC at Police Station Phase-1, SAS Nagar, Mohali and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

March 25, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No