

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRM-M-1787-2022
Decided on : 23.03.2022

Krishan Lal and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sahil Parmar, Advocate for
Mr. Deepak Arora, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. G. S. Rawat, 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. 206 dated 14.09.2020 under Sections 323, 324 and 34 of the Indian Penal Code, 1860 registered at Police Station Goraya, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 24.02.2022, the following order was passed:-

“Learned counsel for the petitioners seeks one more opportunity for recording the statements of the parties and seeks 15 days' more time for the same.

The parties are again 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/affidavit 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.*
- Adjourned to 23.03.2022”*

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

“As desired, the report is as follows:

- 1. Three persons namely Krishan Lal son of Sarwan Kumar, Akash son of Krishan Lal and Balbir Kaur wife of Krishan Kumar are arrayed as accused in the present case.*
- 2. No accused is proclaimed offender in the present case.*
- 3. From the statement of the parties i.e. complainant/respondents Sarabjit Singh, Jatinder Kumar sons of Santokh Singh and petitioners/accused Krishan Lal son of Sarwan Kumar, Akash son of Krishan Lal and Balbir Kaur wife of Krishan Kumar, it*

appears to the Court that the compromise is genuine, voluntary and the same has been effected compromise without any pressure, coercion, threat and with the free consent of the parties.

- 4. As per statement of ASI Lavinder Singh No. 308 Jalandhar Rural (Investigating Officer of the present case), one FIR no. 68 dated 09.06.2020 under Section 420, 120-B, IPC, PS Raho, District SBS Nagar is pending against accused Krishan Lal and no FIR is registered against other accused persons.*
- 5. As per statement of ASI Lavinder Singh No. 308 Jalandhar Rural (Investigating Officer of the present case), in the present case there are two victims/complainant namely Sarabjit Singh, Jatinder Kumar sons of Santokh Singh.*

The copies of the statement of the persons named above (parties) and their identity proofs are enclosed herewith for kind perusal of the Hon'ble Punjab & Haryana High Court.

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/victims has been made voluntarily without any fear, coercion or pressure.

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 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/victims. 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. 206 dated 14.09.2020 under Sections 323, 324 and 34 of the Indian Penal Code,1860 registered at Police Station Goraya, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

March 23rd, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No