

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-1440-2019
Decided on : 08.04.2022

Harjit Singh @ Ghulla and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vikasdeep Singh, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 135 dated 15.05.2018 under Sections 336, 427, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 09.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case heard by video conferencing.

By this application, advancement of the date of hearing of the accompanying petition is sought, with learned counsel for the applicants-petitioners submitting that the report of the learned Chief Judicial Magistrate,

Tarn Taran, having been received in respect of the compromise reached between the parties, the matter may be disposed of on an earlier date.

Notice of application.

Mr. S .S. Deol, DAG Punjab, accepts notice on behalf of the non-applicant-State.

Mr. Vikasdeep Singh, Advocate, accepts notice on behalf of respondent No.2 (complainant) and does not object to the same. Consequently, the application is allowed and the date of hearing of the petition is advanced to 30.04.2021.

In the meanwhile, a gazetted officer will file a short reply to the petition stating therein specifically as to what was found in the investigation, qua the alleged commission of offences punishable under Sections 25 and 27 of the Arms Act, 1959. ”

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

“The Hon'ble High vide order dated 25.02.2020 in CRM-6815-2020 in CRM-M-1440-2019 has directed the parties to appear before the court and to get recorded their statements before the court with regard to the compromise effected between them.

In pursuance of the directions, complainant Sukhjinder Singh along with Shri Sanampreet Singh, Adv. and Harjit Singh, Baljit Singh, Sawinder Singh and Gurjant Singh with Shri Pankaj Joshi, Adv. have come present and

suffered their statements voluntarily, without any pressure regarding compromise effected between them with regard to the FIR No.135 of dated 15.05.2018 under sections 330, 427, 506, 148, 149 of IPC, 1860 and under Sections 25, 27 Arms Act, 1959. Police Station City Tarn Taran which were recorded accordingly.

Report of Ahlmad is called as per which no challan is presented in this FIR nor anybody is got declared proclaimed offender.

Statement of ASI Surjit Singh, No. 983 TT. Police Station, Tarn Taran ist also recorded as per which the FIR was resisted on the complaint on Sukhjinder Singh against Harjit Singh, Baljit Singh, Sawinder Singh and Gurjant Singh. Investigation is still in progress and no one is declared Proclaimed Offender in this FIR and challan has not yet presented in the court.

The parties suffered their statements voluntarily with regard to their compromise before court today.

Report submitted for kind perusal.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioner 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.

Learned counsel for the petitioners has submitted that none

of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are 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 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 135 dated 15.05.2018 under Sections 336, 427, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

April 8th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No