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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-2594-2021
Date of decision : 16.12.2022

Lachman Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Damanjit Singh Sandhu, Advocate for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Angad Chahal, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.15 dated 23.01.2020 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 (Section 325 of IPC has been added later on) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Longowal, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 26.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-5310-2021

Prayer in this application filed under Section 482 Cr.PC

is for adding the offence under Section 325 IPC in the head note and prayer clause of the main petition.

For the reasons stated in the application, the same is allowed and the Registry is directed to add the offence under Section 325 IPC in the head note and prayer clause of the main petition.

CRM-M-2594-2021

Prayer in this petition is for quashing of the FIR along with all consequential proceedings arising therefrom on the basis of compromise between the parties.

Notice of motion for 21.05.2021.

Learned counsel for respondent No.2-complainant accepts the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 31.03.2021.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) Status of the trial/proceedings and*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

Sd/-(HARI PAL VERMA)

February 26, 2021

JUDGE”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Sangrur. The relevant portion of the said report is reproduced hereinbelow:-

“Statement of Investigating Officer ASI Gurjit Singh has also been recorded and he has stated that he know the parties

involved in the present case and the persons involved in the occurrence are Lachman Singh son of Kirpal Singh and Jaswinder Singh son of Malkit Singh and three unknown persons as accused and Sukhjit Singh son of Hardey Singh resident of village Kunran Tehsil and District Sangrur as complainant and no other person is involved in the case and as per record no other criminal case against any party was pending and no PO proceedings were initiated against the accused persons. There are total five persons arrayed as accused in FIR out of which three persons are unknown and other two are Lachman Singh son of Kirpal Singh and Jaswinder Singh son of Malkit Singh. The case is still at investigation stage and challan has not been presented so far.

2. *On the basis of the above said statements, the report is submitted as under please:-*

The compromise is genuine and has been entered into by the parties voluntarily, without any pressure or coercion of any sort.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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.

A perusal of the above report would show that in the present case, there are five accused persons, out of which, three are unknown persons and rest two accused persons have filed the present petition for quashing of FIR on the basis of compromise.

Learned counsel for the petitioners has submitted that the

petitioners were not 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 the petitioners has also submitted that the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

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**”, reported as **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”, reported as **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.15 dated 23.01.2020 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 (Section 325 of IPC has been added later on) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Longowal, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

16.12.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No