

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248

CRM-M-2734-2022
Decided on : 23.03.2022

Amandeep Singh @ Amna and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gurpreet Singh Dhillon, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent Nos. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 31 dated 16.03.2021 under Sections 307 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Ladowal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 28.02.2022, the following order was passed:-

“Learned counsel for the petitioners has submitted that the parties could not get the statements recorded and prayed for one last opportunity to get their

statements recorded within a period of 15 days.

On request, adjourned to 23.03.2022.

The parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements within a period of 15 days from today.

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.”*

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

“On 07.03.2022 complainant Harjit Singh son of Sudagar Singh has suffered a statement that present case bearing FIR no. 31 dated 16.03.2021 u/s 307, 34 of IPC and 25-54-59 of Arms Act, P.S. Laddowal, Ludhiana was registered on the basis of his statement and now he has compromised the matter with both the accused namely Amandeep Singh @ Amna and Paras Bassi voluntarily without any pressure or any coercion from any part. He has no objection

if the above said FIR against both the accused is quashed and if they be acquitted.

Accused Amandeep Singh @ Amna has suffered a statement that present case bearing FIR no. 31 dated 16.03.2021 u/s 307, 34 of IPC and 25-54-59 of Arms Act. P.S. Laddowal, Ludhiana was registered against him on the statement of complainant Harjit Singh son of Sudagar Singh. Now he has compromised the matter with the complainant voluntarily without any pressure or any coercion from any part. He further stated that he has not been declared proclaimed offender in any case but one FIR No. 226 of 2011 under Section 302 of IPC, PS Sahnewal, Ludhiana was registered against him and the trial is pending before the Hon'ble Court of Sh. Bishan Saroop, Ld. ASJ, Ludhiana, Statement of accused Paras Bassi also recorded with regard to compromise.

Statement of ASI Manjeet Singh No. 1699/Ldh has suffered a statement that he is the Investigating officer in this case there is one complainant/victim in the present FIR. He further stated to the effect that two persons are arrayed as accused in this FIR and their names are Amandeep Singh @ Amna and Paras Bassi. It was further stated by him that as per the information available in the police station Laddowal, case bearing FIR No. 226 of 2011 under Section 302 of IPC, PS Sahnewal, Ludhiana is lying registered against Amandeep Singh @ Amna in addition to FIR No. 31 dated 16.03.2021 and none of the accused has not been declared proclaimed offender in this case. He further stated the challan

has not been presented in the Court.

From the statements, it appears that compromise has been voluntarily effected between the parties. The compromise appears to be genuine and without any pressure or coercion.

Perusal of record reveals that only two accused persons namely Amandeep Singh @ Amna and Paras Bassi are arrayed as an accused in the present FIR. They have never been declared as proclaimed offender.

As desired, the report along with statement of complainant, statements of both the accused and Investigating officer are submitted for your kind consideration.”

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.

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.

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. It is an admitted case between the parties that the present case is a case of no injury and thus, an offence under Section 307 IPC, prima facie, is not made out.

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. 31 dated 16.03.2021 under Sections 307 and 34 of the Indian Penal Code,1860 and Section 25 of the Indian Arms Act, 1959 registered at Police Station Ladowal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 23rd, 2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No