

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2433-2022

Date of decision : 02.04.2022

Gurmukh Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rajeev K.Kapila, Advocate
for the petitioners.

Mr.Sarabjit Singh Cheema Singh, AAG, Punjab.

None for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR no.0017 dated 03.02.2019 registered under Sections 323, 341, 34 IPC (Section 325 IPC added later on) at Police Station Dasuya, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise.

On 02.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition that has been filed for quashing of FIR and all subsequent proceedings arising therefrom, on the basis that a compromise has been entered into between the parties.

Notice of motion for 02.04.2022.

At this stage, Mr. A.S.Gill, Senior DAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of respondent-State. Mr. Jagjit Grewal, Advocate, has caused appearance on behalf of respondent No.2. He admits to the

factum of compromise.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaqa Magistrate on 02.03.2022 or any other date convenient to the trial Court/Illaqa Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 02.04.2022.

02.02.2022 (JAISHREE THAKUR)
JUDGE”

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

“In compliance to the aforesaid order passed by the Hon'ble Punjab and Haryana High Court in CRM-M-2433-2022, it is. respectfully submitted that the point wise report of undersigned is as follows:

- i. In view of the statement recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.*
- ii. As per record neither any accused has been declared proclaimed offender nor any proclamation proceeding is pending against any accused of present case.*

As such. report is submitted accordingly alongwith the statements for the kind perusal of your goodself.

Yours faithfully,

*(Parminder Kaur Bains). PCS,
Sub Divisional Judicial Magistrate,
Dasuya .UTD No PB0346”*

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

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders 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 petitioners.

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.

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.0017 dated 03.02.2019 registered under Sections 323, 341, 34 IPC (Section 325 IPC added later on) at Police Station Dasuya, District Hoshiarpur and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

April 02, 2022.
Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No