

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M-2733-2022
Decided on : 29.07.2022

Manjit Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. M. S. Yadav, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sunny Singla, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 91 dated 06.04.2021 under Sections 353, 186, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station City Faridkot, District Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 31.03.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR, in question and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Notice of motion for 29.07.2022.

Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent – State

while Mr. Sunny Singla, Advocate has appeared on behalf of respondent No.2.

Counsel for the petitioners is directed to supply copy of the paperbook to counsel opposite during course of the day.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 30 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 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.*

Sd/-
31.03.2022 (ARVIND SINGH SANGWAN)
JUDGE”

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

“From the statement of the parties, named above, and ASI Swaran Singh No. 576/FDK, PS City Faridkot, requisite report is furnished as under :

- 1. there are only two persons arrayed as accused, namely (1) Manjit Singh son of Santa Singh, resident of 10330 Gali No. 3, Narang Colony, near office of Deputy Commissioner, Sri Muktsar Sahib, Tehsil and District Sri Muktsar Sahib and (2) Sahil Kumar son of Varinder Kumar, resident of 9028, Jodhu Colony, Gali No. 1, also Bhullar Colony, Sri Muktsar Sahib, Tehsil and District Sri Muktsar Sahib in the case bearing FIR No. 91 dated 06.04.2021, under Section 353, 186 and 506 read with Section 34 IPC, PS City Faridkot (District Faridkot)*
- 2. As informed by the investigating officer, namely ASI Swaran Singh No. 576/FDK, PS City Faridkot, none of the accused persons is proclaimed offender/ absconder in the matter in hand.*
- 3. From the statement of complainant Mahesh Garg, Executive Engineer and the staff members, namely Navjot Singh, Senior Assistant, Sewak Singh, Clerk and Rohit Kumar, Clerk, as recorded in the Court on 19.04.2022, their compromise with the accused persons, named above, appears to be genuine, voluntary and without any coercion or undue influence.*
- 4. As informed by ASI Swaran Singh No.*

576/FDK and the parties themselves, accused persons, namely (1) Manjit Singh and (2) Sahil Kumar are not involved in any other FIR

5. *As informed by ASI Swaran Singh No. 576/FDK and the parties themselves, Mahesh Garg, Executive Engineer, Panchayati Raj, Lok Nirman Mandal, Faridkot is the only victim/ complainant in the FIR.*

Report along with statement of the parties and ASI Swaran Singh No. 576/FDK, is humbly submitted please..”

A perusal of the above report would show that it has been stated that the statements of the complainant as well as the petitioners have been recorded in the case and they 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 further 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 the abovesaid facts are correct.

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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 91 dated 06.04.2021 under Sections 353, 186, 506 and 34 of the Indian Penal Code,1860 registered at Police Station City Faridkot, District Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

29.07.2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No