

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2815-2021

Date of decision : 07.07.2022

Gurvinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ajit Singh Natt, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

None for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.0155 dated 17.10.2020 registered under Sections 379-B, 34 IPC at Police Station City Samana, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise.

On 23.03.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“Service is complete.

The parties are directed to appear before the learned trial Court/Illaq Magistrate on 26.04.2021 or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq 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. 28.05.2021.

A copy of the order be sent to learned trial Court/Illaq

Magistrate through fax for compliance.

(JAISHREE THAKUR)
JUDGE

March 23, 2021

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

“2. Accordingly, in compliance of the above said orders of Hon'ble High Court dated 23.03.2021. statements of complainant and accused persons were recorded, who had stated that they have compromised the matter relating to FIR No. 155 dated 17.10.2020, P. S. City Samana, under Sections 379-B and 34 of IPC. Complainant stated that copy of compromise deed is Mark-A. which has been effected by complainant out of her free will and consent and without any pressure and inducement from any corner. Complainant stated that she has no objection, if the above said FIR against the accused persons is quashed.

3. Similarly accused persons have also suffered statement to the effect that they have compromised the mater with the complainant.

4. Statement of IO/ ASI Jagtar Singh, No. 27/ Patiala recorded as per which no accused person is declared as proclaimed offender in this case.

5. From the statements of the complainant and accused persons, I am satisfied that the compromise between the parties is genuine and valid, voluntary and without any coercion or undue influence from any corner.

6. Original statements of complainant and that of above named accused persons alongwith IO are being sent herewith, as desired by the Hon'ble High Court.

Submitted please.

Yours faithfully,

Encl: AS above.

(Ramandeep Kaur)
Judicial Magistrate Ist Class
Samana, UID No. PB-0543.
(Duty)”

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, 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.0155 dated 17.10.2020 registered under Sections 379-B, 34 IPC at Police Station City Samana, District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 07, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No