

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-3381-2021
Decided on : 07.03.2022

Gurwinder Singh @ Ginder @ Gurminder Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Kanwaljeet Singh, Advocate and
Mr. Maninder Singh Bajwa, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. J. S. Mahal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 256 dated 10.11.2018 registered under Section 323, 324, 148 and 149 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before a coordinate Bench of Court on 25.01.2021, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR on the basis of compromise.

Notice of motion for 19.04.2021.

Mr. J.S. Mahal, Advocate appears on behalf of respondent No.2.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 04.02.2021 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

25.01.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Amritsar to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Following is the requisite information, as directed:

- I. As per status report obtained from SHO police station Jandiala, Amritsar (which is enclosed herewith for your kind perusal) only five persons arrayed as accused in the present FIR.*
- II. That none of the accused person is ever declared proclaimed offender.*
- III. That the compromise effected between the*

parties is genuine, voluntary and without any coercion or undue influence.

IV. That no accused person is involved in any other case.

V. As per statement of ASI Jatinder Singh victim/complainant arrayed in the present FIR.”

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.

Learned counsel for respondent No. 2-complainant has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 256 dated 10.11.2018 registered under Section

323, 324, 148 and 149 of the Indian Penal Code,1860 (Section 326 IPC added later on) registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 7th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No