

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3408-2022

Date of decision : 07.07.2022

Surmukh Singh @ Amarjit Singh

... Petitioner

Versus

Puran Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Danishwar Ali, Advocate
for the petitioner.

None for the respondent.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of complaint bearing CIS no.:CRL MISC/638/2017 dated 29.07.2017 titled as “Puran Singh vs. Surmukh Singh @ Amarjit Singh etc.” registered under Section 156(3) Cr.P.C. and all other consequential proceedings arising therefrom on the basis of compromise.

On 09.05.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of complaint bearing CIS No. CRL MISC/638/2017 dated 29.07.2017 registered under Section 156(3) Cr.P.C. and subsequent proceedings arising therefrom on the basis of compromise.

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

Adjourned to 07.07.2022.

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.*

09.05.2022

(VIKAS BAHL)
JUDGE”

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

“5. As desired by the Hon'ble High Court, considering the statement of complainant and accused including compromise Ex.Cl, my point wise report is as under :

- (1). That, in this case, as per record, only Surmukh Singh has been summoned as accused for the offence under Section 420, 468, 471 of Indian Penal Code, 1860.*
- (2). That, as per the record of the present case and in view of the statement of accused, accused has not been declared as Proclaimed Offender in the present case.*
- (3). That, the matter has been compromised by complainant Puran Singh with the accused Surmukh Singh alias Amarjit Singh vide Compromise Deed dated 06.04.2021, copy of which is submitted before Hon'ble High Court as Annexure P-2, so taking into consideration their statements, this Court is of the view that the compromise arrived at between the complainant and the accused, is genuine, voluntary and without any coercion or undue influence.*
- (4). That, as per the statement of accused, except the present complaint, no civil, criminal or FIR is pending against him.*
- (5). That, it is important to mention here that proceedings*

of this case were initiated upon an application under Section 156(3) Cr.P.C. moved by complainant Puran Singh which was later on treated as complaint and upon leading pre-summoning evidence, the accused Surmukh Singh alias Amarjit Singh was summoned to face trial under Section 420, 468, 471 of Indian Penal Code, 1860, so there is no requirement to record the statement of Investigating Officer. Further, no FIR was registered against the accused.

6. Therefore, the report as sought by your honour is being sent for your kind perusal. (Statements of complainant and accused are annexed with this report for your kind perusal).

*Renu Goyal, PCS, PB0553
Judicial Magistrate Ist Class,
Chandigarh, Dated 27.05.2022”*

A perusal of the above said report would show that the petitioner 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case.

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 petitioner 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

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 complaint bearing CIS no.:CRL MISC/638/2017 dated 29.07.2017 titled as “Puran Singh vs. Surmukh Singh @ Amarjit Singh etc.” registered under Section 156(3) Cr.P.C. and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

July 07, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No