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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CRM-M-4034-2022

Date of decision : 06.04.2022

Sanjeev Kumar @ Sanju and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. H.K. Brinda, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. S.S. Kainth, Advocate for respondent No.3.

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.91 dated 05.12.2021 registered under Sections 323/342/353/186/506 of the Indian Penal Code, 1860 at Police Station Singh Bhagwantpur, Tehsil and District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 10.03.2022, this Court had passed the following order:-

*“Learned counsel for the petitioners has submitted that the parties could not get the statements recorded and prayed for one last opportunity to get their statements recorded within a period of 15 days.*

*On request, adjourned to 06.04.2022.*

*The parties are again directed to appear before the*

*Illaq Magistrate/trial Court for recording their statements within a period of 15 days from today, subject to costs of Rs.5,000/-, to be deposited by the petitioners with the High Court Lawyers' Welfare Fund. The said amount would be deposited prior to giving the statements and the trial Court would only permit them to record their statements after the petitioners show the receipt of the same.*

*In case, the costs of Rs.5,000/- is not deposited by the petitioners with the High Court Lawyers' Welfare Fund, then the present petition would be deemed to have been dismissed.*

*The Illaq 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/affidavit 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.”*

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

*“II. It is submitted that as per the directions of the Hon'ble Punjab and Haryana High Court, Chandigarh, complainant Gagandeep Singh Sangha along with counsel Ms. Monika Soni, Advocate and accused/petitioner Sandeep Singh @ Deepu and Sanjeev Kumar @ Sanju along with counsel Sh. Dharampal, Advocate, appeared on 22.03.2022. The*

*petitioners had placed on record receipt No.2504 dated 14.03.2022 to show that they had deposited Rs.5,000/- cost with the High Court Lawyers' Welfare Fund as per CRM-M-4034-2022. The said receipt was taken on record and then their statements were recorded.*

*Xxx xxx*

*III. Accordingly, the requisite report is submitted as under:*

- 1. As per the FIR, two persons are arrayed as accused.*
- 2. As per the statement suffered by Investigating Officer SI Subhash Chander No.94/RR, PS Singh Bhagwantpur, District Rupnagar, none of the accused persons has been declared Proclaimed Offender.*
- 3. From the statements suffered by the parties, it appears to the Court that the compromise/affidavit is genuine, voluntary and without any coercion or undue influence.*
- 4. As per the statement suffered by Investigating Officer SI Subhash Chander No.94/RR, PS Singh Bhagwantpur, District Rupnagar, no other FIR is registered against the accused persons and both the accused persons are not involved in any other case.*
- 5. As per the statement suffered by Investigating Officer SI Subhash Chander No.94/RR, PS Singh Bhagwantpur, District Rupnagar, there is only one complainant namely Gagandeep Singh Sangha, in the present FIR*

*IV. The report is being submitted in compliance of the order dated 10.03.2022 of the Hon'ble Punjab and Haryana High Court, Chandigarh, passed in CRM-M-4034-2022.*

*Submitted please.*

*Thanking you.*

*Yours faithfully,*

*Sd/- (Kunal Lamba-PB0614)*

*Judicial Magistrate 1st Class*

*Rupnagar*

- Enclosure:- 1. Original statement of complainant namely Gagandeep Singh Sangha.*
- 2. Original statement of accused/petitioners namely Sandeep Singh and Sanjeev Kumar.*
- 3. Original statement of Investigating Officer SI Subhash Chander No.94/RR, PS Singh Bhagwantpur.*
- 4. Copy of compromise.*
- 5. Receipt No.2504 with regard to payment of costs.”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent No.3 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, 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**”, reported as **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**”, reported as **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 05.12.2021 registered under Sections 323/342/353/186/506 of IPC at Police Station Singh Bhagwantpur, Tehsil and District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

**06.04.2022**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**