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

CRM-M-3210-2020

Date of decision : 28.09.2022

Sukhjiwan Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. A.S. Barnala, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. A.S. Bhatti, Advocate for respondent No.2

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.31 dated 23.06.2019 under Sections 452, 323, 506, 34 IPC (Sections 307/325 IPC added later), registered at Police Station Tallewal, District Barnala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 24.01.2020, 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 No.31 dated 23.06.2019 for offence punishable under Sections 452, 323, 506, 34 IPC (Sections 307/325 IPC added later), registered with Police

Station Tallewal, District Barnala and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Notice of motion for 11.05.2020.

Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent – State while Mr. A.S. Bhatti, 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/-(ARVIND SINGH SANGWAN)

JUDGE

24.01.2020 ”

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

“Statement of ASI Ranjit Singh No.651/BNL i.e.

Investigating Officer of the case was also recorded. He stated that in case FIR No.31 dated 23.06.2019 registered at PS Tallewal, Barnala under Sections 452, 323, 506, 34 IPC (307 IPC added later on), only Jagraj Singh is the complainant. Except Jagraj Singh, there is neither any other complainant nor any injured in the present case. He further stated that FIR was registered only against Sukhjiwan Singh and Lakhvir Singh and none of the accused in the present FIR has been declared as proclaimed offender and except the instant case, the accused persons are not involved in any other FIR. From the statements of both the parties as well as the IO of the case, the compromise appears to be genuine, voluntary and without any coercion or undue influence. In case FIR No.31 dated 23.06.2020, two persons namely Sukhjiwan and Lakhvir Singh have been arrayed as accused. None of the accused has been declared as proclaimed offender and except the instant case, the accused persons are not involved in any other FIR. Complainant has placed on file copy of compromise as Ex.CL.”

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. Learned counsel for the State, as per instructions has stated that the said fact

is 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.

Learned counsel for the petitioners and respondent No.2 have jointly submitted that there is no opinion of the Doctor declaring any injury to be dangerous to life and thus, offence under Section 307 of IPC is not attracted. It is further jointly submitted that petitioner No.1 and respondent No.2 are both brothers and petitioner No.2 is the son of petitioner No.1.

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**”, 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.31 dated 23.06.2019 under Sections 452, 323, 506, 34 IPC (Sections 307/325 IPC added later), registered at Police Station Tallewal, District Barnala 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.

28.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No