

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.243

CRM-M-4249 of 2022

Date of Decision: August 18, 2022

Gurdarshan Singh @ Fauji and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Naveen Bawa, Advocate for the petitioners.

Mr. R.S. Khaira, AAG, Punjab.

Mr. Vishnu Dutt, Advocate
for respondent Nos.2 & 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.250 dated 02.10.2021 under Sections 452, 323, 506, 148 and 149 IPC registered at Police Station Chheharta, District Amritsar and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 21.12.2021 (Annexure P-2).

On 03.02.2022, parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements and trial Court was directed to submit a report alongwith copies of statements of the parties in respect of genuineness of the compromise.

Thereafter, on 22.03.2022 learned counsel for the petitioner sought time to amend the present petition. On 04.05.2022, this Court had passed the following order:-

“Learned counsel for the petitioners in their respective cases submit that petitioner No. 1 in CRM-M-4249-2022 and petitioner No.2 in CRM-M-4422-2022 could not get their statements recorded as they are posted near China border being employees of the Indian Army. They pray for another opportunity to get their statements recorded through video conferencing.

Prayer is accepted.

The Illaqa Magistrate/Trial Court is directed to record the statements of the parties through video conferencing on 24.05.2022 or any other date convenient to the Illaqa Magistrate/Trial Court as to genuineness of the compromise executed between the parties.

A report in terms of order dated 03.02.2022 be furnished by the trial Court on or before the next date of hearing.

To come up for further consideration on 18.08.2022.

A photocopy of this order be placed on the file of connected case.”

Pursuant to the aforesaid order, report dated 06.06.2022 has been received from Judicial Magistrate Ist Class, Amritsar. The relevant paragraph of the said report is as under:-

- “1. There are 8 accused arrayed in FIR No.250 dated 2.10.2021*
- 2. None of the accused is a proclaimed offender*
- 3. Challan has not yet been presented in this case*
- 4. The compromise is genuine, voluntary and without any coercion or undue influence”*

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are eight accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

I have heard learned counsel for the parties and have also gone through the case 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 complainants. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.250 dated 02.10.2021 under Sections 452, 323, 506, 148 and 149 IPC registered at Police Station Chheharta, District Amritsar and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 18, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No