

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-5993-2022

Decided on : 11.07.2022

Harjinder Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. R. K. Grewal, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Kuldeep Singh Saini, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 69 dated 05.12.2021 under Sections 323, 324, 307 and 34 of the Indian Penal Code, 1860 registered at Police Station Sudhar, District Ludhiana (Rural) (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 19.05.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition for quashing of FIR on the basis of compromise.

Notice of motion.

At the asking of the Court, Ms. Amarjit Kaur Khurana, DAG, Punjab, accepts notice on behalf of respondent No.1–State and Sh.Neeraj Madaan, Advocate has appeared on behalf of respondent No.2 by filing memo of appearance.

He states that the matter has been compromised between the parties.

It is stated that the matter is still being investigated and challan has not yet been filed.

Under the circumstances, the parties are directed to appear before learned Illaqa Magistrate within one month from today and the Illaqa Magistrate is to record the statements of the affected persons i.e. complainant and accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The Illaqa Magistrate is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by the next date of hearing fixed as 07.05.2020.

The State counsel shall also get the genuineness of the compromise verified and inform the Court in that regard. ”

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

“The report as desired by the Hon'ble Court is respectfully submitted as under:

- 1. There are two accused in the present FIR as per the statement of the IO namely Harjinder Singh and Navjot Singh.*
- 2. None of the accused is proclaimed offender as per the statement of the IO.*
- 3. The compromise is genuine, voluntarily*

made out of the free will of parties and without any coercion or undue influence.

- 4. None of the accused are involved in any other FIR as per the statement of the IO.*
- 5. There is only one complainant as per the statement of the IO.*

The detailed report and original statements of the parties are enclosed herewith, as desired.

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of the complainant as well as the petitioners have been recorded in the case and they 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 the abovesaid 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

as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 69 dated 05.12.2021 under Sections 323, 324, 307 and 34 of the Indian Penal Code,1860 registered at Police Station Sudhar, District Ludhiana (Rural) (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

July 11th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No