

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4494-2022

Date of decision : 26.04.2022

Gurdas Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Pankaj Garg, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

Ms.Shalini Verma, Advocate for
Mr.Priyanshu Kamra, Advocate
for respondent nos.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. praying for quashing of DDR no.32 dated 03.09.2020 registered under Sections 323, 506, 148, 149 IPC (Section 325 IPC added later on) in FIR no.127 dated 03.09.2020 registered under Sections 341, 323, 427, 506, 148, 149 IPC (Sections 325, 334, 335 added later on and Sections 341, 325, 323, 506 IPC deleted later on) at Police Station Sadar, Abohar, District Fazilka and all other consequential proceedings arising therefrom on the basis of compromise.

On 08.02.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of DDR No.32 dated 03.09.2020 registered under Sections 323, 506, 148, 149 of the Indian Penal Code, 1860 (Section 325 of IPC has been added later on) (Annexure P-1) in

FIR No.127 dated 03.09.2020 registered under Sections 341, 323, 427, 506, 148, 149 of IPC (Sections 325, 334, 335 have been added later on and Sections 341, 325, 323, 506 of IPC have been deleted later on) at Police Station Sadar, Abohar, District Fazilka (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise dated 18.01.2022 (Annexure P-3).

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 10.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Priyanshu Kamra, Advocate appears on behalf of respondent Nos.2 and 3.

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

(VIKAS BAHL)
JUDGE”

08.02.2022

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

“The petitioner/accused as well as complainant named above in their respective statements have stated that now with the intervention of the respectables, they have Compromised the matter with their own free will, without any pressure, coercion or undue influence and they placed on file compromise Ex.P1.

Parawise information, as required is as under:-

- 1. Six persons have been arrayed as accused, who are the the petitioners of CRM-M-4494 2022 mentioned supra.*
- 2 None of the accused has been declared proclaimed offender.*
- 3. In view of the statement suffered by complainant party as well as accused named above, it is quite evident that compromise effected vide Ex.P-1 is genuine, voluntarily and without any coercion or undue influence. The compromise appears to be valid & genuine.*
- 4. The accused persons are not involved in any other FIR.*
- 5. As per statement got recorded by the investigating Officer ASI Dayal Chand, there are two victims/complainant in the present DDR, who are respondents No. 2&3 CRM-M-4494 2022 and their statements have been recorded.*

Hence the original joint statement of complainant party/respondent as well as joint statement of accused/petitioners named above, photocopy of the compromise Ex. P-1 and Investigating Officer of the case are hereby sent to Your Goodself along with this report for your kind perusal.

Report submitted please.

Yours faithfully,

*(Arjun Singh Sandhu) PCS,
Judicial Magistrate Ist Class,
Abohar (UID No. PBO532)”*

A perusal of the above said report would show that the petitioners and respondent nos.2 and 3 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 petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondent nos.2 and 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 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***”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and DDR no.32 dated 03.09.2020 registered under Sections 323, 506, 148, 149 IPC (Section 325 IPC added later on) in FIR no.127 daed 03.09.2020 registered under Sections 341, 323, 427, 506, 148, 149 IPC (Sections 325, 334, 335 added later on and Sections 341, 325, 323, 506 IPC deleted later on) at Police Station Sadar, Abohar, District Fazilka and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

April 26, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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