

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.242

CRM-M-5160-2021

Date of Decision: August 18, 2022

Pritam Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Keshav Chadha, Advocate for
Mr. Navjot Singh, Advocate for the petitioners.

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

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.59, dated 16.08.2016, under Sections 323, 324, 326, 148, 149 and 34 of the Indian Penal Code, registered at Police Station Ghuman, Batala, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 16.07.2020 (Annexure P-2).

On 19.02.2022, this Court had passed the following order:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties.

Learned counsel for the petitioners submits that the case before the trial court is fixed for 18.03.2021.

Notice of motion.

At this stage, Mr. Avtar Singh Sandhu, Addl. A.G., Punjab, has put in appearance and accepts notice on behalf of respondent no.1-State. Adjourned to 26.04.2021.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 18.03.2021 or any other date as convenient to the Court.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties, on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings; and*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Pursuant to the aforesaid order, report dated 24.03.2021 has been received from Judicial Magistrate Ist Class, Batala. The relevant part of the said report is as under:-

“It is further submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence.

It is further submitted that in FIR No.59 dated 16.08.2016 under Sections 323, 324, 326, 148, 149 of IPC, P.S. Ghuman, District Gurdaspur, there are four accused persons in the present case and no accused has been declared as proclaimed offender in this case. It is further submitted that there is no other person involved in the occurrence in respect of which present FIR was registered. It is further submitted that the case is at the stage of awaiting appearance of accused persons. The statement of investigating Officer to the above noted facts has also been recorded.

Submitted please,

*Yours faithfully,
(Mohinder Partap Singh Libra)*

*Judicial Magistrate 1st Class,
Batala/UID No.PB0653”*

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 four accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that no accused has been declared as proclaimed offender in this case and no other person is involved in the occurrence in respect of the FIR in question.

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 parties. 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.59, dated 16.08.2016, under Sections 323, 324, 326, 148, 149 and 34 of the Indian Penal Code, registered at Police Station Ghuman, Batala, District Gurdaspur 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