

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-4883-2022
Decided on : 09.03.2022

Harjinder Singh @ Happy and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 382 dated 06.11.2020 registered under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 08.02.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.382 dated 06.11.2020 registered under Sections 324/323/148/149 of the Indian Penal Code, 1860 at Police Station Jandiala, Amritsar Rural (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of

compromise (Annexure P-3).

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

Notice of motion for 09.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Arti Kaur, Advocate appears on behalf of respondent No.2.

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.”*

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

“This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any pressure, undue influence or coercion. Following is the requisite information, as directed:

1. As per the statement of ASI Tarsem Singh No. 706/ASR-R, P.S. Jandiala, total six persons namely Harjinder Singh @ Happy, Balwinder Singh @ Babli, Ravinder Singh, Mandeep Singh, Balraj Singh and Sukhchain Singh arrayed as accused.

II. As per the statement of ASI Tarsem Singh No. 706/ASR-R, P.S Jandiala, no accused is declared as proclaimed offender.

III. As per the statement of ASI Tarsem Singh No. 706/ASR-R, P.S Jandiala, accused persons are not involved in any other FIR and only one victim/complainant namely Mangal Singh is in the present case.”

A perusal of the said report would show that 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 State counsel, as per instructions, has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 382 dated 06.11.2020 registered under Sections 324, 323, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 9th, 2022
Mehak

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