

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.267

CRM-M-5363-2021

Date of Decision: September 12, 2022

Jajbir Singh alias Jaj

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Prince Sharma, Advocate for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Shivam Kamboj Sirsa, Advocate
for respondent Nos.2 and 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.4, dated 15.01.2020, under Sections 452, 336, 427, 506, 148 and 149 of the IPC and Section 25/27 of the Arms Act, 1959, registered at Police Station Chohla Sahib, District Tarn Taran, and all other consequential proceedings arising therefrom on the basis of the compromise dated 20.11.2020 (Annexure P-2).

On 05.02.2021, this Court had passed the following order:-

“The case is taken up through video conferencing on account of COVID 2019. By filing this petition, quashing of FIR No. 4 dated 15.1.2020 registered under Sections 452, 336, 427, 506 148, 149 IPC and under Sections 25, 27 of Arms Act at Police Station Chohla Sahib, District Tarn Taran and other consequential proceedings arising therefrom qua petitioner has been sought on the basis of compromise.

Notice of motion.

Mr. R.S. Khaira, AAG Punjab and Mr. Sunil, Advocate accept notice on behalf of respondent No. 1 State and respondents No. 2 and 3 respectively. Parties may appear before learned trial Court/Illaq Magistrate concerned on 26.2.2021 or any other date convenient to said Court and get their statements recorded with regard to compromise. The original compromise shall be produced before the said court. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/ petitioners.*

Adjourned to 6.4.2021. ”

Pursuant to the aforesaid order, report dated 03.03.2021 has been received from the Judicial Magistrate 1st Class, Tarn Taran. The relevant portion of the said report is as under:-

“1. The compromise between the parties to the petition is genuine, voluntarily and out of free will.

2. As per the statement of IO ASI Jawsant Singh 982/TT, No accused was arrested in this case.

3. As per the statement of IO ASI Jaswant Singh 982/TT, no other case is pending against the accused/petitioner. ”

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 is one accused person 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 other case is pending against the petitioner except present case.

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 petitioner(s) and the complainant(s). 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.4, dated 15.01.2020, under Sections 452, 336, 427, 506, 148 and 149 of the IPC and Section 25/27 of the Arms Act, 1959, registered at Police Station Chohla Sahib, District Tarn Taran, and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

September 12, 2022

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(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No