

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M-4901-2022
Decided on : 25.04.2022

Narinder Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Raj Karan Singh Verka, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Neeraj Yadav, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 11 dated 26.01.2020 under Sections 341, 382, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Nupur Bedi, District Rupnagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 24.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 11 dated 26.01.2020 registered under Sections 341, 382, 506 and 34 of the Indian Penal Code, 1860 at Police Station Nupur Bedi, District Rupnagar (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are parties to the compromise.

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

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.*

Adjourned to 25.04.2022.”

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

“6. So, from the statements of the parties, Investigating Officer as noted above and from the report of Ahlmad, the report is submitted as follows:

1. *FIR was registered against present accused Narinder Singh (i.e. petitioner No.2 before Hon'ble Punjab and Haryana High Court) as well as against three unknown persons, however as per statement of Investigating Officer as noted above, during the investigation it was transpired that it was the only Narinder Singh (petitioner/accused) who was involved in the occurrence and apart from said accused/petitioner, no other accused is involved in the present case*
2. *Accused Narinder Singh is not proclaimed offender;*
3. *The compromise appears to be genuine, voluntary and without any coercion or undue influence.*
4. *As per report of Investigating Officer ASI Raj Kumar as noted above, **accused Narinder Singh was also involved in other two cases cases** i.e. 1) FIR No.135 dated 07.11.2012, under Sections 379, 188 of IPC and 21 (1) of Mines and Minerals (Development and Regulations) Act, 1957 registered at P.S. Nurpur Bedi 2) FIR No.69 dated 02.11.2012 under Section 21 (1) of Mines and Minerals (Development and Regulations) Act, 1957 registered at P.S. Kathgarh, District SBS Nagar.*

Further, as per statement of Investigating Officer, in above noted both the FIR cases, accused/petitioner Narinder Singh has been convicted by the concerned

learned Court.

5. Complainant Naresh Kumar is the only victim/affected person the present FIR.

7. Report is submitted please.”

It would be relevant to note that although, as per the above reproduced report, the complainant Naresh Kumar is the only victim/affected person in the present case but the petitioner has impleaded one Baljinder Singh also who has claimed that he is the owner of the truck and also claims himself to be the victim.

A perusal of the above reproduced report would show that it has been stated that the statements of Complainant Naresh Kumar and Baljinder Singh as well as the petitioner 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 complainants has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioner has submitted that the petitioner was not declared as proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that the abovesaid fact is correct.

Learned counsel for respondent Nos. 2 and 3 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, this Court finds that the matter has been amicably settled between the petitioner 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. 11 dated 26.01.2020 under Sections 341, 382, 506 and 34 of the Indian Penal Code,1860 registered at Police Station Nupur Bedi, District Rupnagar(Annexure P-1) and all subsequent proceedings arising on the basis of the compromise are ordered to be quashed, qua the petitioner.

April 25th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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