

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRM-M-5225-2022
Decided on : 11.03.2022

Sandeep Singh @ Billa and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Barjinder Singh, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Mayank Dev Singh, Advocate for
Mr. Parneet Singh Baidwan, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 274 dated 22.09.2020 registered under Sections 341, 323, 324, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station City Sangrur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 09.02.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.274 dated 22.09.2020 registered under Sections 341, 323, 324, 506, 34 of the

Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of Settlement/Compromise dated 16.03.2021 (Annexure P-2).

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

Notice of motion for 11.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Chetan Kapoor, 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, Sangrur to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“After evaluation of the statements of the parties as well as the ASI Sukhwinder Singh, No. 1234/Sgr, a report on the aspects so enumerated in the order dated 09.02.2022 is submitted here under:

(i) Number of persons arrayed as accused.

On this count it is submitted that in the present FIR no. 274 dated 22.09.2020 registered under Sections 341, 323, 324, 506, 34 of IPC, Police Station City Sangrur, there are three accused namely:

(1) Sandeep Singh @ Billa aged about 27 years, son of Ram Lal, resident of Adarsh Mohalla Ward No.4, Sangrur,

(2) Pardeep Kumar @ Deepu @ Much aged about 36 years son of Ram Lal, resident of Adarsh Mohalla Ward No.4, Sangrur.

(3) Tejinder Singh @Topi aged about 34 years son of Kabal Singh, resident of Officer Colony, Sangrur.

(The named accused being petitioners no. 1 to 3)

(ii) Whether any accused is a proclaimed offender?

According to the statement of the ASI Sukhwinder Singh, No.1234/Sgr. posted at P.S. City Sangrur, no accused has been declared a proclaimed offender so far.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

On 18.02.2022, petitioners Sandeep Singh @ Billa, Pardeep Kumar (@ Deepu @ Much and Tejinder Singh @ Topi had appeared in this Court along with their respective Advocate counsels upon filing of application for taking up file for recording the statements of the accused and complainant as per order dated 09.02.2022 passed by Hon'ble Punjab & Haryana High Court in

CRM-M-5225 of 2022. Accordingly, statements of the petitioners as well as that of respondent were recorded. Through the same, the parties stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. The complainant/respondent stated in specific terms that they had no objection if the quashing proceedings filed by the petitioners/accused is accepted. Both the parties were identified by their respective advocates. The photocopy of written compromise (Annexure P2), running into 2 pages, was also placed upon record. Parties have shown their identity cards and photocopies of the same were taken on record. The same was owned up by the petitioners as well as respondent who submitted in unison that they had executed the compromise out of their own free volition. They also identified their signatures upon the same. This Court is satisfied that aforesaid statement made by the parties are given voluntarily and their compromise has been arrived at without any coercion or undue influence from either side. The copies of the statements, identity cards alongwith compromise Annexure P2 are attached herewith.

(iv) Whether the accused persons are involved in any other FIR or not?

FIR no. 274 dated 22.09.2020 registered under Sections 341, 323, 324, 506, 34 of IPC, Police Station City Sangrur, reflects that there are three accused namely Sandeep Singh @ Billa, Pardeep Kumar @ Deepu @ Much and Tejinder Singh @ Topi.

As per the documents placed on record, there is no FIR registered against accused/petitioners namely as Pardeep Kumar @ Deepu @ Much and Tejinder Singh

@ Topi. However, one FIR no. 193 dated 15.07.2018, under Sections 452, 323, 324, 341, 34 IPC at Police Station, City Sangrur registered against Sandeep Singh @ Billa son of Ram Lal.

(v) 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.

It is humbly submitted that in furtherance of directions, on 18.02.2022 notice was issued to the Investigation Officer of the present case for recording statement. However, on 21.02.2022 the summons were received with the report that the Investigating Officer Sukhwinderjit Singh No. 2553/Sgr. in the present case had expired and the case in hand in writ before the Hon'ble Punjab & Haryana High Court is attended by ASI Sukhwinder Singh No. 134/Sgr. Accordingly, the statement of ASI Sukhwinder Singh was got recorded.

As per the statement of ASI Sukhwinder Singh, No.1234/Sgr, posted at P.S. City Sangrur, there is only one complainant namely as Arshdeep Singh son of Manjeet Singh and there is no other victim in the present FIR no. 274 dated 22.09.2020 registered under Sections 341, 323, 324, 506, 34 of IPC, Police Station City Sangrur.

Report is hereby forwarded to your goodself alongwith copies of statement of complainant, statement of all accused as well as photocopy of compromise as ordered by your goodself by submitted as desired please.

Thanking you”

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. The fact that some of the petitioners are involved in other cases also, would not come in the way of quashing of the present FIR on the basis of compromise. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case.

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

Learned counsel for respondent No. 2 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 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. 274 dated 22.09.2020 registered under Sections 341, 323, 324, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station City Sangrur, District Sangrur (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 11th, 2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No