

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6034-2021

Date of decision: 11.10.2022

Manjit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gautam Kaile, Advocate for
Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

By filing this petition, quashing of FIR No.52 dated 23.6.2019 registered under Sections 323,324,326,148,149 IPC at Police Station Rangar Nangal Batala, District Batala (Annexure P-1) along with other consequential proceedings arising therefrom qua petitioners has been sought on the basis of compromise.

On 10.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case is taken up through video conferencing on account of COVID 2019.

By filing this petition, quashing of FIR No. 52 dated 23.6.2019 registered under Sections 323, 324, 326, 148, 149 IPC at Police Station Rangar Nangal Batala, District Batala and other consequential proceedings arising therefrom qua petitioners has been sought on the basis of compromise.

Notice of motion.

Mr. R.S. Khaira, AAG Punjab accepts notice on behalf of respondent No. 1 State.

Parties may appear before learned trial Court/Illaq

Magistrate concerned on 9.3.2021 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 26.4.2021.

(HARINDER SINGH SIDHU)
JUDGE”

10.2.2021

In pursuance to the said order, a report has been submitted by Sub Divisional Judicial Magistrate, Batala. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance to the aforesaid order dated 10.02.2021 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of undersigned is as follows: -

- i. In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.*
- ii. As per record and as per the statement of Investigating Officer of FIR bearing No.52 dated 23.06.2019, under Section 323,324,326,148,149 IPC, Police Station Rangar Nangal, Batala, there are five persons in total who are arrayed as accused and all the accused namely Manjit Singh, Babbanpreet Singh, Amandeep Singh @ Monty, Ramandeep Singh @ Ramanjeet Singh and Paramjeet Singh have been appeared before the court and all are on police bail.*
- iii. As per record and as per the statement of Investigating Officer, none of the accused of the present FIR has been declared Proclaimed Offender nor any Proclaimed Offender proceedings are pending against any of them. He further stated that except the present FIR, no other complaint/FIR is pending or registered against the accused persons at P.S. Rangar Nangal, Batala.*

As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself.

Yours faithfully,

*(Parminder Kaur Bains), PCS,
Sub Divisional Judicial Magistrate,
Batala, UID No.PB0346”*

A perusal of the above said report would show that the petitioners and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.52 dated 23.6.2019 registered under Sections 323,324,326,148,149 IPC at Police Station Rangar Nangal Batala, District Batala (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

11.10.2022

Ishwar

(VIKAS BAHL)
JUDGE

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