

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.251**CRM-M-6162-2021****Date of Decision: 25.08.2022**

Manjot Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sandeep S. Majithia, Advocate
for the petitioners.

Mr. J.S. Mehndiratta, Addl. AG, Punjab.

Mr. Sylvester Stephen, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0191, dated 31.10.2018, under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Beas, District Amritsar and all other consequential proceedings arising therefrom on the basis of the compromise dated 04.02.2021 (Annexure P-2).

On 10.02.2021, this Court had passed the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.0191 dated 31.10.2018, registered under Sections 324, 323, 148 and 149 of IPC, 1860, at Police Station Beas, District Amritsar, along with all consequential proceedings emanating therefrom, on the basis of compromise, Annexure P/2 dated 04.02.2021.

Notice.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of respondent No. 1 and states that he does not wish to file reply in view of amicable settlement of the dispute amongst the parties vide compromise Annexure P/2 dated 04.02.2021.

Mr. Sylvester Stephen, Advocate accepts notice on behalf of respondent No.2 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of compromise Annexure P/2 dated 04.02.2021.

Accordingly, in view of the position as noted above, the parties are directed to put in appearance before the learned Illaqa Magistrate/ Duty Magistrate concerned on 23.02.2021, for recording of their statements in terms of compromise, Annexure P/2 dated 04.02.2021.

Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.

List on 08.03.2021.

Reply, if any, be filed in the meantime.”

Pursuant to the aforesaid order, report dated 01.04.2021 has been received from the Sub Divisional Judicial Magistrate, Baba Bakala Sahib. The relevant paragraph of the said report is as under:-

“4. Thereafter statement of ASI Surinderpal Singh, No. 1232, Amritsar Rural, P.S. Beas was recorded on 22.03.2021, where in he stated that I am investigation officer of this case and I have come present alongwith police file of this case. There is only one victim/aggrieved person and he is complainant Baljit Singh son of Gurdial Singh, resident of V.P.O. Beas, Tehsil Baba Bakala Sahib, District Amritsar and he is present in the court to suffer

statement regarding compromise. Four accused namely Manjot Singh son of Ashok Singh, Manjinder Kaur d/o Malkit Singh. Hazoor Singh @ Manav son of Baljit Singh, all residents of village Budha Theh, P.O. Beas, Tehsil Baba Bakala Sahib, District Amritsar, Punjab-143201 and Manpreet Singh son of Daljeet Singh, resident of village Bhaini Badesan. Tehsil Baba Bakala, Bhorchi, Rajputana District Amritsar Punjab 143201 were arrayed in this case as accused and no other accused is involved in this case. No proclamation proceedings are pending in this case against any accused nor any accused in this case has declared proclaimed offender. Challan in this case has not presented yet. There is no cross case in this FIR.

5. *The report as desired by the Hon'ble High Court is as under :*

- i) There is no other accused other than the petitioners, arrayed in this petition.*
- ii) No accused has declared proclaimed offender as per statement of investigation officer.*
- iii) Neither challan has presented in this case nor any cross case has registered in this FIR.*

6. *After considering statements of parties, the undersigned is of the opinion that said compromise has been entered into in between the petitioner and complainant voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine one. The copies of statements of the parties and documents are being sent herewith, for kind perusal of the Hon'ble High Court, this report as per the directions of Hon'ble High Court.*

Submitted please.

*Yours faithfully
(Ranjeev Pal Singh Cheema)
Sub Divisional Judicial Magistrate
Baba Bakala Sahib
UID No.PB0294"*

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 are four accused persons 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 none of the accused is declared as proclaimed offender and no other case has been registered against the accused persons except the FIR in question.

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 petitioners and the complainant. 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.0191, dated 31.10.2018, under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Beas, District Amritsar and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

(AMAN CHAUDHARY)
JUDGE

August 25, 2022
preeti

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