

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256-4

CRM-M-7045-2021
Decided on : 29.04.2022

Kuldeep Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. A. D. S. Sukhija, Advocate
for the petitioner.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

Ms. Shivya Sehgal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 128 dated 19.07.2020 under Sections 420, 467, 468, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station Samrala, District Khanna (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 16.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab and Mr. Vaibhav Sehgal, Advocate accept notice on behalf of the respondent No.1 and respondent No.2,

respectively.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.128 dated 19.07.2020 registered under Sections 420, 465, 467, 468, 506, 120-B IPC at Police Station Samrala, District Khanna (Punjab) and all subsequent proceedings arising out of it on the basis of the compromise (Annexure P-2).

The petitioner as also respondent no.2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 26.02.2021 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/ Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/ Trial Court adjourned to 05.04.2021.

*Sd/-
February 16,2021 (DEEPAK SIBAL)
JUDGE”*

In pursuance of the said order, a report has been submitted
by the Addl. Civil Judge (Sr. Division)-cum-SDJM, Samrala to the

Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

I have the honour to bring it to your kind notice that this Court had received an order passed by the Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-7045 of 2021 dated 16.02.201, whereby this Court was directed to record the statements of the parties regarding the matter having been compromised in case bearing FIR No.128 dated 19.07.2020 U/s 420, 465, 467, 468, 506 and 120-B IPC, Police Station Samrala, District Ludhiana, and to send a report accordingly. In compliance with the same, the parties i.e. complainant-Darshan Singh and the accused-Kuldeep Singh appeared before this Court on 26.02.2021 and their statements were recorded. In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a volunteer compromise which is genuine and out of free will of the parties. The requisite report is accordingly submitted please, for its onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh. Attested copies of the statements so recorded of the parties and the ID proof of the complainant and accused, are enclosed herewith, for kind perusal, please. It is further submitted that the counsel for the accused did not appear, despite giving intimation and therefore, the statement of the accused was recorded without the presence of the counsel for the accused. The ID proof of the accused has been seen and returned

and photocopy of the same has been placed on judicial file.

Thanking you,”

A perusal of the above report would show that it has been stated that the statements of Complainant 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 complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are 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 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. 128 dated 19.07.2020 under Sections 420, 467, 468, 506 and 120-B of the Indian Penal Code,1860 registered at Police Station Samrala, District Khanna (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

April 29th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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