

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(248)

CRM-M-6041-2022

Date of decision: - 10.03.2022

Beant Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ajinder S. Sidhu, Advocate
for Mr. Navinder Jit Singh Dandiwal, Advocate,
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Kuldeep Singh, Advocate
for respondents No.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.178 dated 20.08.2017, registered under Sections 325, 323 and 34 IPC, at Baghapurana, District Moga and all the subsequent proceedings arising therefrom on the basis of compromise.

On 11.02.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.178 dated 20.08.2017, registered under Sections 325, 323 and 34 IPC, at Baghapurana, District Moga and all the subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 10.03.2022.

On asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr.Kuldeep Singh, Advocate appears on behalf of respondent Nos.2 to 4.

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, the report has been submitted by the Sub Divisional Judicial Magistrate, Baghapurana to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“It is humbly submitted in terms of the order dated 11.02.2022 passed by Honourable Punjab & Haryana High Court in CRM-M-6041-2022 that:

- 1. That as per statement of accused-petitioners, no other person except them has been arrayed as accused in the present case. No accused has been declared as proclaimed offender and no-one from them is accused in any other case.*
- 2. That as per statement of Investigating Officer namely, retired ASI Gurmeet Singh, Bhagwan Singh is victim/ complainant and Baljinder Singh is injured in the present FIR.*

3. *That the complainant namely Bhagwan Singh has made his separate statement that present FIR was lodged by him against accused, namely Beant Singh, Punni Singh alias Jaswant Singh, Gurpreet Singh, Parminder Singh alias Pinda and Jaspreet Singh alias Jassa and now he has compromised the matter with the accused persons and compromise is effected with free will and without any pressure or coercion.*
4. *That similarly injured/victim Baljinder Singh and eye-witness Manjinder Singh suffered separate joint statement that complainant got lodged the present FIR against above mentioned accused and now they have compromised the matter with the accused persons and compromise is effected with free will and without any pressure or coercion.*
6. *That joint statement of accused Beant Singh, Punni Singh alias Jaswant Singh, Gurpreet Singh, Parminder Singh alias Pinda and Jaspreet Singh alias Jassa was also recorded separately, wherein they stated that with the intervention of respectables, they have compromised the matter with the complainant with free will and without any pressure or coercion. Petitioners-accused further deposed that no other person except them has been arrayed as accused in the present case. No accused has been declared as proclaimed offender and no one from them is accused in any other case.*

The above statements of parties have been recorded in presence of their counsels. So, I am satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Copies of statements of parties have been attached with this report.

Thanking you,

Yours faithfully,

(Ravneet Singh, PCS),

Sub Divisional Judicial Magistrate,

Baghapurana."

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated

that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondents No.2 to 4 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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 feel 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 what has been discussed hereinabove, this petition is allowed and FIR No.178 dated 20.08.2017, registered under Sections 325, 323 and 34 IPC, at Baghapurana, District Moga and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

March 10, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No