

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6235-2022

Date of decision : 04.05.2022

Navdeep Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Kamal Jeet Dahiya, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

Ms.Ishita Jain, Advocate for
Mr. Namit Khurana, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.0006 dated 23.01.2022 registered under Sections 420, 465, 466, 467 IPC registered at Police Station Bareta, District Mansa and all other consequential proceedings arising therefrom on the basis of compromise.

On 14.02.2022, 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.6 dated 23.01.2022 registered under Sections 420, 465, 466, 467 of the Indian Penal Code, 1860 at Police Station Bareta, District Mansa (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all

the persons concerned are party to the compromise.

Notice of motion for 16.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Namit Khurana, 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.*

14.02.2022 **(VIKAS BAHL)**
JUDGE”

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

“Accused Navdeep Singh has filed quashing petition bearing No.CRM-M-6235-2022 before the Hon'ble Punjab & Haryana High Court for quashing of the present FIR on the basis of compromise.

i) As per statements of the parties and statement of I.O. only two accused namely Navdeep Singh son of Meet Singh, resident of House No. 17(1) Bhajwani (194), Bilaspur, Himachal Pradesh and Jamel Ansari resident of First Flour, Patangwala, Mumbai (Maharashtra) were arrayed as accused in the FIR and except them, there is no other accused in the present FIR. (Accused Jamel Ansari is yet to be arrested).

ii) Further, as per statements of the parties and statement of

I.O, none of accused have been declared proclaimed offender in the present case or in any other case. (Accused Jamel Ansari is yet to be arrested).

iii) From the aforesaid statements of the effected parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably. Compromise is genuine, without any kind of undue influence or pressure and out of free will of the parties.

iv) As per statements of parties and IO, no other case is pending against accused Navdeep Singh. (Accused Jamel Ansari is yet to be arrested).

v) Further as per statement of IO, there are two victims/complainants in the present FIR namely Sukhjeet Singh and Jagraj Singh.

Hence I am hereby sending my aforesaid report as per the directions of Hon'ble Punjab & Haryana High Court. Photostat copies of the statements of the aforesaid persons are also annexed herewith for kind perusal.

Thanking you,

Yours faithfully.

*Encl: Statements of parties,
Statement of IO,*

*(Amarjeet Singh)
Judicial Magistrate Ist Class,
Budhlada
(UID No.PBO480) ”*

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

Learned counsel for the petitioner as well as learned counsel for respondent no.2 have pointed out that in the present case, there are two accused out of which compromise has been effected with one accused who has filed the present petition and thus, the present case is a case of partial compromise.

Learned counsel for the petitioner has relied upon the judgment

of the Hon'ble Supreme Court titled as ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as ***2012 (12) SCC 401***, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has also relied upon the judgment dated 04.07.2019 passed in CRM-M-16318-2018 titled as ***Dalip Mandal and another Vs. State of U.T., Chandigarh and others*** in which case, the coordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender 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 petitioner.

Learned counsel for respondent no.2 has submitted that there is another victim, i.e. Jagraj Singh who has not been made as party in the present petition but he has appeared before the Judicial Magistrate Ist Class, Budhlada to get his statement recorded and as is apparent from the annexed documents along with the report, statement of Jagraj Singh has also been recorded on 28.02.2022. The said statement is reproduced hereinbelow:-

“Statement of Jagraj Singh son of Ranjeet Singh, resident of Rasulpur, Manghera, District Fatehabad (Haryana).

On SA

Stated that the present FIR No. 06 of 23.01.2022 U/S 420, 465, 466, 467 IPC, PS Bareta has been registered against accused Navdeep Singh son of Meet Singh, resident of House No. 17(1) Bhajwani (194), Bilaspur, Himachal Pradesh and Jamel Ansari

resident of First Floor, Patangwala, Mumbai (Maharashtra), on my complaint and Sukhjit Singh son of Bant Singh, resident of Kishangarh Sedha Singh Wala and now with the intervention of respectables, compromise has been effected between me and accused Navdeep Singh and same has been done voluntarily without any undue influence, threat or any coercion. Except me and Jagraj Singh, there is no other victim in the present case. Accused Navdeep Singh has not declared as proclaimed offender in this case and accused Jamel Ansari is yet to be arrested. Except the accused Navdeep Singh and Jamel Ansari, there is no other accused persons involved in the present case. The accused Navdeep Singh has filed quashing petition bearing No.CRM-M-6235-2022 before the Hon'ble Punjab & Haryana High Court for quashing of the present FIR on the basis of compromise and I have no objection if the present FIR registered against the accused Navdeep Singh is quashed.

RO&AC

(Amarjeet Singh)

JMIC, Budhlada, 28.02.2022”

Learned counsel for respondent no.2 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 two parties.

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.0006 dated 23.01.2022 registered under Sections 420, 456, 466, 467 IPC registered at Police Station Baretta, District Mansa and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

May 04, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No