

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-6586-2022
Decided on : 07.03.2022

Prem Chand @ Bheema

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Khushkaran Kumar, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 15 dated 11.02.2022 registered under Section 295-A of the Indian Penal Code, 1860 registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar (Nawanshahr) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 15.02.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.15 dated 11.02.2022 registered under Section 295-A of the Indian Penal Code, 1860 at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar (Nawanshahr) (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 07.03.2022.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Khushkaran Kumar, Advocate appears on behalf of respondent No.2.

Learned counsel for respondent No.2 has submitted that the matter has been compromised and he has no objection, in case, the FIR and all the subsequent proceedings arising therefrom on the basis of compromise are quashed qua the petitioner.

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, a report has been submitted by the Sub Divisional Judicial Magistrate, Balachaur to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“It is submitted that in this case FIR was registered on

the statement of complainant Jagjit Singh on 11.02.2022 under Sections 295-A of IPC at P.S. Kathgarh, District SBS Nagar. However, with the intervention of the respectable persons a compromise was effected between complainant Jagjit Singh and accused Prem Chand @ bheema as per his statement suffered before the court. Statements of the complainant Jagjit Singh and accused Prem Chand @ Bheema have been recorded separately regarding the compromise. Investigation officer of this case present and suffered a statement that the above said FIR was registered on the statement of only complainant Jagjit Singh against accused Prem Chand @ Bheema. Complainant is the only victim in the present FIR. Neither accused was declared P.O. in this case and nor any P.O. proceeding is pending against accused and there is no other FIR registered against the accused.

As per the statements so got recorded by both sides, it reveals that the compromise amongst the complainant Jagjit Singh and accused Prem Chand @ Bheema is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. Complainant and accused Jaswinder Singh Sian have been identified by their respective counsel.

It is further submitted that statements of both parties, copy of compromise Annexure C-1 and statement of IO. is being sent along with this report for your honour's kind perusal.

Submitted please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both 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 these facts are correct.

Learned counsel for respondent No. 2-complainant 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. 15 dated 11.02.2022 registered under Section 295-A of the Indian Penal Code,1860 registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar (Nawanshahr) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

March 7th, 2022
Mehak

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