

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-7508-2021
Decided on : 06.05.2022

Deepak Kumar

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 185 dated 11.08.2019 under Section 324 of the Indian Penal Code, 1860 (Sections 25/54/59 of the Arms Act, 1959 added later on) registered at Police Station Canal Colony, Bathinda (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 17.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video-conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 11.05.2021.

At this stage, Mr. Tejwinder Singh Hundal, Advocate appears on behalf of the complainant.

In the meanwhile, parties would appear before the Illaqa Magistrate on 01.03.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.

February 17,2021 Sd/-
(RAJ MOHAN SINGH)
JUDGE”

In pursuance of the said order, a report has been submitted by the Additional Chief Judicial Magistrate, Bathinda to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“The respondent No.2-complainant, namely, Anil Kumar suffered a statement to the effect that he got the present FIR registered against the petitioner-accused. Now, with the intervention of the respectables of the locality, a compromise has been effected between him and the petitioner-accused. The compromise is genuine, voluntary and without any kind of pressure or coercion. The compromise is for the betterment of both the parties. He has got no objection if the subject FIR and the proceedings arising out of it are quashed on the basis of compromise. An attested photocopy of the compromise deed is Exh.CX.

Ganeshwar Kumar SI has suffered a statement to the effect that he is posted as Station

House Officer at P. S. Canal Colony. The total number of the accused involved in this case is one, namely, Deepak Kumar. The accused is not found to be involved in any other criminal activity/case.. The accused has not been declared proclaimed offender in the present case.

From the above said statements before and as per the record available with this Court, I am to make the asked for report as follows:

- 1. The compromise between the parties is genuine, voluntary and out of free will of the parties.*
- 2. The accused is not involved in any other criminal activity/case.*
- 3. The total number of accused involved in the case is one, namely, Deepak Kumar, i.e., petitioner.*
- 4. The accused has not been declared proclaimed offender/person in the case. Instead, the accused is on bail in the matter of the present case.”*

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the aggrieved person and 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.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 185 dated 11.08.2019 under Section 324 of the Indian Penal Code,1860 (Sections 25/54/59 of the Arms Act, 1959 added later on) registered at Police Station Canal Colony, Bathinda (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 6th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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