

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-7251-2022
Decided on : 22.03.2022

Mangal Singh @ Manga

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Harjinder Singh, Advocate
for respondent Nos. 2 and 3.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 58 dated 28.07.2012 under Sections 324, 323 and 34 of the Indian Penal Code, 1860 (Section 326 IPC added subsequently) registered at Police Station Fattu Dzinga, District Kapurthala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 22.02.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.58 dated 28.07.2012 registered under Sections 324, 323, 34 of the Indian

Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Fattu DHINGA, District Kapurthala (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 22.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Harjinder Singh, Advocate appears on behalf of respondent Nos.2 and 3.

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, Sultanpur Lodhi to the Superintendent Criminal of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“ (i) As per statement of investigating officer, SI Tarsem Singh No. 888/Kpt., PS Bholath, one person namely Mangal Singh (@ Manga son of Chanan Singh, resident of village Saiflabad, Tehsil & District Kapurthala, has been arrayed as accused in the present FIR.

(ii) As per statement of investigating officer, none of the petitioner/accused has been declared proclaimed person in the present case nor any proceedings for declaring him as PO is pending in any Court.

(iii) In the light of statements suffered by both the parties, it appears that parties have effected compromise which is genuine, voluntary and out of freewill and is not the result of any threat, pressure or undue influence etc. in any manner.

(iv) As per statement of investigating officer, petitioner/accused Mangal Singh (@ Manga son of Chanan Singh, resident of village Saiflabad. Tehsil & District Kapurthala, is not involved in any other FIR.

(v) As per statement of investigating officer, two persons namely Manpreet Singh son of Malkit Singh, resident of village Surakhpur, Tehsil & District Kapurthala and Rajwinder Kaur wife of Yogesh Kumar, resident of House No.119/8, New Sant Nagar, Basti Guzan, Jalandhar, District Jalandhar, are the victims/injured in the present case. However, Manpreet Singh son of Malkit Singh, resident of village Surakhpur, Tehsil & District Kapurthala, is the complainant in the present case.

Certified copies of statements of appearing

parties, recorded in this Court, are being sent herewith through the office of Ld. District & Sessions Judge. Kapurthala. The report is accordingly submitted before the Hon'ble High Court for kind perusal, please.

Thanking you,”

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 Nos. 2 and 3 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 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 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. 58 dated 28.07.2012 under Sections 324, 323 and 34 of the Indian Penal Code,1860 (Section 326 IPC added subsequently) registered at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 22nd, 2022
Mehak

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