

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

260

CRM-M-7207-2022
Decided on : 25.04.2022

Sant Ram and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Kuldeep V. Singh Ahluwalia, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 94 dated 09.10.2019 under Sections 323, 324 and 34 of the Indian Penal Code, 1860 registered at Police Station Bilga, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 21.02.2022, 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.94 dated 09.10.2019 registered under Sections 323, 324, 34 of the Indian Penal Code, 1860 at Police Station Bilga, District Jalandhar (Annexure P-1) 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 29.03.2022.

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

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 21 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 Judicial Magistrate 1st Class, Phillaur to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As per their statements and in view of the directions of the Hon'ble High Court following observations have been made.

- 1. As per report received from PS Bilga there are five person's arrayed as accused in the present FIR, that are, Kulwinder Kaur w/o Surjit Singh, Kulwinder Kaur w/o Paramjit Singh, Sant ram, Paramjit Singh and Shindo.*
- 2. As per report of Police Station Bilga no accused has been declared as proclaimed offender in this case.*
- 3. It have been stated by the complainant Shilo and one injured Rashpal Kaur that they have compromised the instant criminal case with accused Kulwinder Kaur w/o Surjit Singh, Kulwinder Kaur w/o Paramjit Singh, Sant ram, Paramjit Singh and Shindo. The instant compromise has been effected between them without any undue influence, coercion or pressure, and the same is outcome of their own free will and volition. They have no objection, if the FIR in question and all proceedings emanating therefrom are ordered to be quashed as per compromise against the accused. I am satisfied that the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. As per the report received from the police station the accused persons Kulwinder Kaur w/o Surjit Singh, Kulwinder Kaur w/o Paramjit Singh, Sant ram, Paramjit Singh*

and Shindo are not involved in any other FIR.

5. *As per the statement of the investigating officer, there is one victim/complainant namely Shilo and one injured/aggrieved Rashpal Kaur in this FIR.*

Accordingly, the aforementioned report is forwarded for your kind information and necessary action.

Thanking you,”

A perusal of the said report would show that although, in the present petition, only respondent No. 2- Shilo is shown as the complainant/victim but as per the said report, apart from the complainant Shilo, there is one more injured namely Rashpal Kaur who has not been made party but however, a perusal of the record would show that the statement of Shilo as well as Rashpal Kaur has been recorded to the effect that the compromise is genuine. The statement of Rashpal Kaur w/o Jagjit Singh is reproduced hereinbelow:-

Statement of Rashpal, w/o Jagjit Singh r/o Village Sangowal PS Bilga, Tehsil Phillaur, District Jalandhar

Stated that I am one of the injured/aggrieved in this case. I have compromised the matter with accused Kulwinder Kaur w/o Surjit Singh, r/o Sangowal PS Bilga, District Jalandhar, Sant ram s/o Najar Singh, Paramjit Singh s/o Santram, Shindo w/o Santram and Kulwinder Kaur w/o Paramjit Singh all residents of Malsian Bajan, Police Station Sidhwanbet, Ludhiana out of my free will and without any pressure, threat, coercion and promise from any corner. Now I have no

grudge against the accused. I have no objection if the present FIR is quashed on the basis of above said compromise. I have produced copy of my Aadhar Card which is Ex.P-7. I have seen the photocopy of certified copy of compromise dated 09.12.2021. The same is true copy of original compromise dated 09.12.2021.”

A perusal of the above reproduced report would show that it has been stated that the statements of the complainants as well as the petitioners 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 complainants has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are 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, 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. 94 dated 09.10.2019 under Sections 323, 324 and 34 of the Indian Penal Code,1860 registered at Police Station Bilga, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise are ordered to be quashed, qua the petitioners.

April 25th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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