

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-8159-2021
Decided on : 17.05.2022

Karnail Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ketan Chopra, Advocate for
Mr. Vishal Munjal, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Amit Gupta, Advocate for
Mr. Vipin Maheejan, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 205 dated 19.10.2020 under Sections 326, 323, 324, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Gurdaspur, Distict Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 22.02.2021, 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 14.05.2021.

At this stage Mr. Vipin Maheejan, Advocate appears on behalf of the complainant.

In the meanwhile, parties would appear before the Illaqa Magistrate on 02.03.2021 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.

*Sd/-
February 22, 2021 (RAJ MOHAN SINGH)
JUDGE”*

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

“Further, Investigating Officer/SI Onkar Singh No. 2330/ASR, Police Station City Gurdaspur appeared and suffered statement to the effect that the present case was got registered by complainant Malkiat Singh. There are three accused persons namely Karnail Singh, Navpreet Singh and Gurnam Singh. The other two persons were unidentified persons. No other criminal case is pending against the petitioners/accused. No person has been get declared as proclaimed offender in the present case. Challan has not been presented in the present case. He identified the

*complainant as well as accused/petitioners.
(Original statement attached herewith).*

It is submitted that from the statements of the parties, it appears that the compromise is genuine, voluntary and without any coercion or undue influence. There are three accused persons namely Karnail Singh, Navpreet Singh and Gurnam Singh. No other criminal case is pending against the petitioners/accused. No person has been get declared as proclaimed offender in the present case.

Report submitted, please.”

A perusal of the above report would show that the statements of Complainant as well as the petitioners 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 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.

Learned counsel for respondent No. 2 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners 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. 205 dated 19.10.2020 under Sections 326, 323, 324, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Gurdaspur, Distict Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 17th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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