

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CRM-M-6702-2020
Decided on : 11.07.2022

Harbel Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. D. S. Khurana, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Jaswinder Singh, Advocate for
Mr. Vipul Babuta, Advocate
for respondents No. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 105 dated 28.07.2019 under Sections 336, 323 and 34 of the Indian Penal Code, 1860 (Sections 307 IPC and Sections 25, 27, 54 and 59 of the Arms Act added later on) registered at Police Station Vairoke, District Fazilka (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.03.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for quashing of the FIR in question on the basis of the compromise entered into between the parties.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab and

Mr. Vipul Babuta, Advocate, who are also appearing through video conferencing, accept notice on behalf of the respondent-State and respondent Nos. 2 and 3, respectively.

Learned counsel for respondent Nos. 2 and 3 admits to the factum of compromise entered into between the parties.

List again on 18.05.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaq Magistrate 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 in FIR,*
- 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, Jalalabad to the Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In view of the aforesaid statements made

by both the parties, report is submitted as under:

- 1. There are only three persons arraigned as accused in the FIR in question.*
- 2. As per statement of IO, no accused is proclaimed offender in the present FIR*
- 3. The compromise effected between the parties is voluntary and without any threat, undue influence or coercion.*
- 4. As per record of police, these accused are not involved in any other case.*
- 5. As per statement of IO, there are two victims/complainant in the present FIR.*

The report is submitted, accordingly.

Thanking you.”

A perusal of the above report would show that it has been stated that the statements of the 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 as well as respondents No. 2 and 3 have jointly submitted that the present case is a case of no injury and thus, the offence under Section 307 IPC is not made out.

Learned counsel for the petitioners has further 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-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 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. 105 dated 28.07.2019 under Sections 336, 323 and 34 of the Indian Penal Code, 1860 (Sections 307 IPC and Sections 25, 27, 54 and 59 of the Arms Act added later on) registered at Police Station Vairoke, District Fazilka (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

July 11th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No