

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9056-2022

Date of decision : 29.03.2022

Jagsir Singh alias Jagga

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.A.S.Mann Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

None for the complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.0161 dated 28.07.2020 registered under Sections 452, 341, 323, 427, 506 IPC at Police Station Bhikhi and all other consequential proceedings arising therefrom on the basis of compromise.

On 03.03.2022, 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.161 dated 28.07.2020 registered under Sections 452, 341, 323, 427, 506 of the Indian Penal Code, 1860 at Police Station Bhikhi, District Mansa 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 29.03.2022.

On asking of the Court, Ms. Ruchika Sabherwal, AAG, Punjab appears and accepts notice on behalf of the respondent-

State and Mr. D.P.S. Joura, Advocate appears on behalf of respondent No.2.

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.*

03.03.2022 **(VIKAS BAHL)**
JUDGE”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Mansa. The relevant portion of the said report is reproduced hereinbelow:-

“Statement of complainant/affected person Kanwaljit Kaur and statement of accused Jagsir Singh recorded.

From the statements of complainant Kanwaljit Kaur and statement of accused Jagsir Singh, it comes out that the parties of the present petition have compromised the matter with their free will and full senses. So this compromise between the parties to the petition appears to be genuine & valid and entered into by the parties voluntarily and it appears to be the outcome of their free consent and it is entered into by parties without any coercion or undue influence from any quarter.

Thanking you,

Yours faithfully,

*Harish Kumar,
(Unique Identification Number: PB0331)
Judicial Magistrate of First Class,
Mansa”*

A perusal of the above said report would show that the petitioner and complainant-respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine and out of free will.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he is not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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 petitioner 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.0161 dated 28.07.2020 registered under Sections 452, 341, 323, 427, 506 IPC at Police Station Bhikhi and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

March 29, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No