

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-8555-2022
Decided on : 07.04.2022

Saroop Kaur and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sukhmeet Singh, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Puneet Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 171 dated 22.09.2019 under Sections 323, 324 and 34 of the Indian Penal Code, 1860 registered at Police Station City Sadar Sangrur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

On 28.02.2022, 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.171 dated 22.09.2019

registered under Sections 323, 324, 34 of the Indian Penal Code, 1860 at Police Station Sadar Sangrur, District Sangrur 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 07.04.2022.

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

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, Sangrur to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“1. Number of persons arrayed as accused?”

As per the statement of 10 retired ASI Jasvir Singh and ASI Sukhbir Singh and perusal of file also shows that there are three accused in this case. The arrest of accused Surinder Singh is still pending.

2. Whether any accused is proclaimed Offender?

The accused persons namely Baljit Kaur and Saroop Kaur were never declared as proclaimed offender. Neither Surinder Singh has been declared PO till now.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Through their respective statements, the complainant stated that she has entered into a compromise without any undue influence, coercion and pressure. The complainant Kajal Rani stated in specific terms that she has no objection if the FIR is quashed. Therefore, from the statement of the complainant, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other FIR or not?

There is no other FIR was pending against the accused persons namely Baljit Kaur and Saroop Kaur in the area of Sangrur.

5. How many victims/complainants are there in the FIR?

There is only one victim/complainant namely Kajal Rani wife of Harwinder Singli r/o H.No. 465, Kakarwal Road, Land Lord Colony, Dhuri, Distt. Sangrur in the present FIR.

Report is submitted please,”

A perusal of the said 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 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. As per the said report, it has been observed that none of the petitioners were declared as proclaimed offender in the present case.

As per the above-reproduced report, there are three accused persons in the present case and the present petition has been filed by two accused and a prayer has been made by counsel for the petitioners as well as counsel for the complainant that the FIR be quashed qua the petitioners.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012 (12) SCC 401**, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioners/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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. 171 dated 22.09.2019 under Sections 323, 324 and 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Sangrur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

April 7th, 2022
Mehak

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