

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(313)

CRM-M-9337-2022

Date of decision:- 01.12.2022

Lakhvir Singh & another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kuldeep Singh Saini, Advocate,
for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Bikram Singh Randhawa, Advocate,
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.127 dated 29.07.2019 registered under Sections 406 and 420 IPC at Police Station City Rupnagar, District Rupnagar and all other consequential proceedings arising therefrom on the basis of compromise.

On 04.03.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek quashing of FIR No.127 dated 29.07.2019 registered under Sections 406, 420 IPC, at Police Station City Rupnagar, District Rupnagar, along with all the

subsequent proceedings arising therefrom, on the basis of compromise dated 25.02.2022 (Annexure P-2).

Learned counsel for the petitioners submits that with the intervention of respectables, the compromise has been effected between the parties and they have decided to bury the hatchet enabling them to live with peace and harmony.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Bikram Singh Randhawa, Advocate appears and files power of attorney on behalf of respondent No.2, through e-mail. Photocopy of the same is taken on record. He does not dispute the factum of the compromise.

In view of the above, the parties are directed to appear before the Illaqa Magistrate/trial Court on 22.03.2022 or any other date convenient to the Court concerned for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1 The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2 the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties;*

Report of the Illaqa Magistrate/trial Court be awaited for 06.07.2022.

(HARNARESH SINGH GILL)
JUDGE

04.03.2022”

In pursuance of the said order, the report has been submitted
by the Chief Judicial Magistrate, Rupnagar, to the Registrar (General) of

this Court. The relevant part of the report is reproduced hereinbelow:-

"From the statements of parties got recorded by them in the Court, it appears that complainant and accused have in the Court, it appears that complainant and accused have effected voluntary compromise out of their own sweet will, without any pressure and coercion of any manner. It is further submitted that as per the statement of the investigation officer, there are only two accused namely Lakhvir Singh and Harpreet Singh, both of them appeared for recording their statements and none of them ever declared proclaimed offender. It is further submitted that only FIR has been received by the Court of the undersigned and no remand papers are pending."

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own sweet will, without any pressure and coercion.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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, this petition is allowed and FIR No.127 dated 29.07.2019 registered under Sections 406 and 420 IPC at Police Station City Rupnagar, District Rupnagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

December 01, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No