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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7285-2020

Date of decision : 30.03.2022

Amandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankit Kharbanda, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Vikasdeep Singh, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.23 dated 03.03.2018 registered under Sections 324, 323, 452, 506, 34 of the Indian Penal Code, 1860 at Police Station Division B, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Prayer in this petition is for quashing of FIR
(Annexure P-1) on the basis of compromise.*

Notice of motion for 29.04.2020.

At this stage, Mr. Vikasdeep Singh, Advocate appears

on behalf of respondent No.2.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 06.03.2020 for recording their statements in the context of compromise and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

18.02.2020

Sd/-(Raj Mohan Singh)

Judge ”

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

“4. I have the honour to submit that I have gone through the statements given by the parties and passed various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise between accused/petitioner Amandeep Singh and respondent/complainant Jatinder Singh has been effected between the parties is without any pressure or coercion. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed vide order dated 18.02.2020, the report is as under:

- 1. One accused is arrayed in FIR as per the challan presented in the court by P.S. B-Divn, Amritsar.*
- 2. None of the accused has been declared PO in this FIR.*
- 3. The statements of parties are recorded and are attached herewith. The compromise accused/petitioner Amandeep Singh and respondent/complainant Jatinder Singh is*

genuine, voluntarily and out of free will of the parties.

Report is submitted for perusal.

Yours faithfully

Sd/- (Davinder Singh)

Judicial Magistrate 1st Class,

Amritsar, UID No.PB-0569”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused 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.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and there are no other cases pending against the petitioner. Learned counsel for the State, as per instructions has stated that these facts are 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 two 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 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**”, reported as **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**”, reported as **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.23 dated 03.03.2018 registered under Sections 324,

323, 452, 506, 34 of the Indian Penal Code, 1860 at Police Station Division B, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

30.03.2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No