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

CRM-M-10332-2021

Date of decision : 24.05.2022

Vicky and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harshit Jain, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Rohit Jindal, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.274 dated 06.12.2019 registered under Sections 458, 341, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 05.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case heard via video conferencing.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between them and respondents no. 2 and 3, of FIR no. 274 dated 06.12.2019,

registered at Police Station City Sangrur, District Sangrur, for the alleged commission of offences punishable under the provisions of Sections 458/341/323/506/148/149 of the IPC, as also all other subsequent proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr. Sandeep Singh Deol, D.A.G., Punjab, accepts notice at the asking of the court on behalf of respondent no.1, with Mr. Rohit Jindal, Advocate, appearing for respondents no. 2 and 3. He will file a power of attorney duly executed by the aforesaid respondents in his favour well before the next date of hearing.

A copy of the petition be emailed to both learned counsel by counsel for the petitioner today itself

Adjourned to 20.05.2021.

In the meanwhile, the petitioners, as also respondents no. 2 and 3, would appear before the learned trial court/Ilaqa Magistrate upto 09.04.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/ herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases

registered against the petitioners of like nature or otherwise.

'March 05, 2021

Sd/- (AMOL RATTAN SINGH)

JUDGE ”

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

“It is further submitted that the compromise as per statements of complainant Mandeep Kumar Sharma, injured Inderjit Singh and accused Vicky Ashok Kumar, Naresh Kumar, Kaish Kumar, Lovepreet alias Labbu, Rohit Kumar alias Baba, Anu son of Ram Lal and Gaurav has been arrived at voluntarily and without any pressure or coercion. However, as per record as well as statement of ASI Harnek Singh, Investigating Officer, during inquiry the offences under Sections 458, 148 and 149 IPC were deleted and cancellation report under Sections 341, 323 and 506 IPC was presented in the Court on 15.07.2020 which was accepted on the same day by the Court.

The copies of statements of complainant Mandeep Kumar Sharma, injured Inderjit Singh, accused Vicky Ashok Kumar, Naresh Kumar, Kaish Kumar, Lovepreet alias Labbu, Rohit Kumar alias Baba, Anu son of Ram Lal and Gaurav and ASI Harnek Singh, Investigating Officer are enclosed herewith.

The report is submitted, accordingly.

Thanking you,

Yours faithfully

Sd/-(Harvinder Singh Sindhia)

Chief Judicial Magistrate,

Sangrur.

Unique Identification No.PB0283”

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 respondent Nos.2 and 3 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.274 dated 06.12.2019 registered under Sections 458, 341, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

24.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No