

IN THE HIGH COURT OF PUNJAB AND
HARYANA
AT CHANDIGARH

247 (A)

CRM-M-9622-2022 (O&M)
Decided on : 23.03.2022

Pawan Kumar and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vaibhav Sehgal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sahil Parmar, Advocate for
Mr. Deepak Arora, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

CRM-8297-2022

Allowed as prayed for.

Annexures P-1 to P-3 are taken on record subject to all just
exceptions.

Main Case:-

This is a petition under Section 482 Cr.P.C. for quashing of
DDR No. 32 dated 14.09.2020 registered under Sections 323, 341, 506,
148 and 149 of the Indian Penal Code, 1860 in FIR No. 206 dated
14.09.2020 under Sections 323, 341, 506, 148 and 149 of the Indian
Penal Code, 1860 registered at Police Station Goraya, District Jalandhar
(Annexure P-1) and all subsequent proceedings arising on the basis of

the compromise.

When the matter came up before this Court on 09.03.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of DDR No.32 dated 14.09.2020 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 in FIR No.206 dated 14.09.2020 registered under Sections 323, 341, 506, 148, 149 of IPC at Police Station Goraya, District Jalandhar 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 23.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Deepak Arora, Advocate appears on behalf of respondent Nos.2 to 4.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one week.

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/affidavit 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. To be heard alongwith CRM-M-1787-2022. ”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Phillaur to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As desired, the report is as follows:

- 1. Seven persons namely Pawan Kumar, Satnam Singh, Jatinder Kumar alias Vicky, Sarabjit Singh alias Babbu, Amarjit Kaur alias Piaro, Paramjit Kaur alias Sweety and Rajwinder alias Bharind are arrayed as accused in the present case.*
- 2. No accused is proclaimed offender in the present case.*
- 3. From the statement of the parties i.e. complainant/respondents Krishan Lal son of Sarwan Kumar, Akash son of Krishan Lal and Balbir Kaur wife of Krishan Kumar and petitioners/accused Pawan Kumar, Satnam Singh, Jatinder Kumar alias Vicky, Sarabjit Singh alias Babbu, Amarjit Kaur alias Piaro, Paramjit Kaur alias Sweety and Rajwinder alias Bharind, it appears to the Court that the compromise is genuine, voluntary and the same has been effected compromise without any pressure, coercion, threat and with the free consent of the parties.*
- 4. As per statement of ASI Lavinder Singh No.*

308 Jalandhar Rural now posted at Chowki Dhuleta PS Goraya (Investigating Officer of the present case, the accused persons are not involved in any other FIR. 5. As per statement of ASI Lavinder Singh No. 308 Jalandhar Rural now posted at Chowki Dhuleta PS Goraya (Investigating Officer of the present case), in the present case there are three victims/complainants Krishan Lal son of Sarwan Kumar, Akash son of Krishan Lal and Balbir Kaur wife of Krishan Kumar.

The copies of the statement of the persons named above (parties) and their identity proofs are enclosed herewith for kind perusal of the Hon'ble Punjab & Haryana High Court.

Submitted please.”

A perusal of the said report would show that it has been stated that the statements of the complainant/respondents 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 statements of the complainant/respondents have been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent Nos. 2 to 4 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 DDR No. 32 dated 14.09.2020 registered under Sections 323, 341, 506, 148 and 149 of the Indian Penal Code, 1860 in FIR No. 206 dated 14.09.2020 under Sections 323, 341, 506, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Goraya, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

March 23rd, 2022
Mehak

(VIKAS BAHL)
JUDGE

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