

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(236)

CRM-M-10522-2021

Date of decision:- 02.12.2022

Ravinder Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ranjit Saini, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Haneet Sharma, 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.12 dated 17.02.2021, registered under Sections 279, 337, 338 & 427 IPC, at Police Station Chabbewal, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise.

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

“The petitioner prays for quashing of FIR No.0012 dated 17.02.2021, registered under Sections 279, 337, 338 & 427 of IPC at Police Station Chabbewal, District Hoshiarpur, and all consequential proceedings, for, the parties have resolved their differences and a

compromise dated 19.02.2021 (Annexure P-2) in this regard has since been effected.

Notice.

Mrs. Bhavna Gupta, DAG, Punjab and Mr. Haneet Sharma, Advocate accept notice on behalf of respondent No.1 and respondent No.2, respectively.

The parties are directed to appear before the Illaqua Magistrate/trial Court/Duty Magistrate on 19.03.2021, for getting their statements recorded qua the execution and veracity of the alleged compromise.

The Illaqua Magistrate/trial Court/Duty Magistrate, post recording statements of all the affected parties, shall submit a report on or before the adjourned date. And shall also furnish 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; and*
- 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.*

Adjourned to 31.03.2021.

Reply, if any, on behalf of the State be filed, in the meanwhile.

(ARUN PALLI)
JUDGE

05.03.2022”

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

“There is no other accused person except Ravinder Singh in the present FIR. There is only one Victim/Complainant namely Rakesh Singh S/o Dhan Singh. Both the parties are present in the court today and he

identified both of them. There is no other FIR is pending against accused Ravinder Singh in P.S. Chhabewal, Hoshiarpur.

It is submitted that in view of the statement of complainant and accused, this Court is satisfied that compromise between the parties is genuine and voluntary and out of their free will. Statements of complainant, accused and investigating officer, so recorded are also enclosed herewith for Your Honour's kind perusal"

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 out of their free will, genuine and voluntary.

Learned counsel for the petitioner has submitted that the petitioner have not been declared proclaimed offender. 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 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**”, 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.12 dated 17.02.2021, registered under

Sections 279, 337, 338 & 427 IPC, at Police Station Chabbewal, District Hoshiarpur and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

December 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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