

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM-M-10789-2021 (O&M)

Decided on : 03.03.2022

Daler Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. K. S. Bal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Ravi Chadha, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

CRM-6956-2022

The present application has been filed under Section 482 Cr.P.C. for pre-ponement of the abovesaid case which is stated to be listed for hearing on 18.08.2022 to an early date.

Learned counsel for the petitioner as well as respondent No. 2 have jointly submitted that in the present case, the compromise has been effected and the statements have been recorded and thus, the present case be pre-poned and the main case be taken up today itself.

Learned State counsel has submitted that he has no objection in case the present application is allowed and the main case is taken up on Board today itself.

In view of the same, present application is allowed and the main case is taken up on Board today itself.

Main Case

This is a second petition under Section 482 Cr.P.C. for quashing of FIR No. 87 dated 20.05.2017 registered under Sections 498-A and 34 of the Indian Penal Code, 1860 registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and all subsequent proceedings including proclamation order dated 20.02.2019 on the basis of the compromise.

When the matter came up before this Court on 10.03.2021, the following order was passed:-

“Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 87 dated 20.5.2017 registered under Sections 498-A/34 IPC, Police Station Gharinda, District Amritsar Rural and all the subsequent proceedings arising therefrom including the proclamation order dated 20.2.2019 (Annexure P-5), on the basis of compromise dated 09.2.2021 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioner submit that in the present case, the petitioner was declared a proclaimed person vide order dated 20.2.2019. He further submits that now with the intervention of the respectables, the parties have amicably settled their dispute. He has placed reliance on the judgment passed by this Court in CRM-M-39246-2019 titled Paramjit Singh versus State of Punjab and another, decided on 22.11.2019.

Notice of motion.

On the asking of the Court, Mr. Amar Ashok Pathak, Addl. A.G, Punjab accepts notice on behalf of the State.

At this stage, Mr. Ravi Chadha, Advocate has put in appearance on behalf of respondent No. 2 and has not disputed the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 23.3.2021 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 09.7.2021.

March 10, 2021
Gurpreet

(HARNARESH SINGH GILL)
JUDGE”

In pursuance of the said order, a report has been submitted by the Chief Judicial Magistrate, Amritsar to the Assistant Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Hence, report on the information sought by Hon'ble High Court is submitted as under :

(1) Number of persons 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.

As per the statement of Investigating officer, there is only one accused namely Daler Singh in this

FIR who has appeared and made statement. As per the statement of Investigating officer, accused Daler Singh was declared proclaimed offender vide order dated 20.02.2019.

(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.

As per the statement of Investigating officer, there is only one complainant/aggrieved person namely Gagandeep Kaur in this case who has appeared and made statement in support of the compromise.

(3) The stage of trial/proceedings.

The case is pending for trial for recording statements of prosecution witnesses under Section 299 of the Code of Criminal Procedure.

(4) If the compromise is genuine, voluntary and out of free will of the parties.

From the statements of the petitioner/accused and respondent/complainant, this Court is of the opinion that their compromise is genuine, voluntarily and without any coercion or undue pressure.

The report as well as original statements of the parties is submitted for kind perusal of the Hon'ble High Court.

Submitted please”

A perusal of the said report would show that 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 and respondent No. 2 have submitted that the present dispute is a matrimonial dispute and the same stands resolved and the compromise is genuine and bonafide.

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

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”*, 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 FIR No. 87 dated 20.05.2017 registered under Sections 498-A and 34 of the Indian Penal Code,1860 registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and all subsequent proceedings including proclamation order dated 20.02.2019 on the basis of the compromise are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

March 3rd, 2022
Mehak

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