

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257-A

CRM-M-10586-2022
Decided on : 07.04.2022

Kajal Rani and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Puneet Sharma, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

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

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of GD No. 19 dated 22.09.2019 registered at Police Station Sadar Sangrur, District Sangrur as cross version of FIR No. 171 dated 22.09.2019 under Sections 323, 341, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Sangrur, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 14.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of GD No.19 dated 22.09.2019 registered at Police Station Sadar Sangrur, District Sangrur as cross version of FIR No.171 dated 22.09.2019 registered under Sections 323, 341, 506, 34 of the Indian Penal Code, 1860 at Police Station Sadar

Sangrur, District Sangrur 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 07.04.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Neha Shukla, Advocate appears on behalf of respondent No.2.

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

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 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-8555-2022.”

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

“(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?”

On 21.03.2022, petitioners Kajal Rani, Manpreet Singh @ Babbu and Harwinder Singh Seemar had appeared in this Court along with their respective Advocate counsels upon filing of application for taking up file for recording the statements of the accused and complainant as per order dated 14.03.2022 passed by Hon'ble Punjab & Haryana High Court in CRM-M-10586-2022. Accordingly, statements of the petitioners as well as that of respondent were recorded. Through the same, the parties stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. The complainant/respondent stated in specific terms that she had no objection if the quashing proceedings filed by the petitioners/accused is accepted. Both the parties were identified by their respective advocates. Parties to the compromise have shown their identity cards and photocopies of the same were taken on record. The same was owned up by the petitioners as well as respondent who submitted in unison that they had executed the compromise out of their own free volition. They were also identified their signatures upon the same.

Accordingly, on the basis of statement of parties to compromise, this Court is satisfied that aforesaid statement made by the parties are given voluntariness and their compromise has been arrived at without any coercion or undue

influence from either side. The copies of the statements, identity cards are attached herewith.

(IV) Whether the accused persons are involved in any other FIR or not?

FIR no.171 dated 22.09.2019 under Sections 323, 341, 506 and 34 of IPC. Police Station Sadar Sangrur, reflects that there are three accused namely Kajal Rani wife of Amandeep Singh, Manpreet Singh @ Babbu son of Krishary Singh and Harwinder Singh Seernar son of Gurmeet Singh.

As per the documents placed on record, there is no other FIR registered against accused petitioners namely Kajal Rani, Manpreet Singh an Babbu and Harwinder Singh Seemar.

(V) 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

It is humbly submitted that in furtherance of directions, on 21.03.2022 notice was issued to the Investigation Officer of the present case for recording statement for 22.03.2022 On 22.03.2022. the statement of ASI Jarnail Singh. No.20/Grp as well as Retd. SI Jasvir Singh son of Inder Singh, was got recorded in compliance of directions.

As per their statements, there is only one complainant namely Saroop Kaur wife of Gurmeet Singh and there is no other victim in the present FIR no.171 dated 22.09.2019 under Sections 323, 341, 506 and 34 of IPC. Police

Station Sadar Sangrur.

Report is hereby forwarded to your goodself alongwith copies of statement of complainant, statement of all accused as well as their respective photocopies of identity cards as desired please.

Thanking you,”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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 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 No. 2 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 GD No. 19 dated 22.09.2019 registered at Police Station Sadar Sangrur, District Sangrur as cross version of FIR No. 171 dated 22.09.2019 under Sections 323, 341, 506 and 34 of the Indian Penal Code,1860 registered at Police Station Sadar Sangrur, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 7th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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