

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(292)

CRM-M-10460-2022

Date of decision: - 08.08.2022

Mohammad Aamir

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mohd. Salim, Advocate, for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Puneet Pali, Advocate
for Mr. Avninder Singh, Advocate,
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.48 dated 19.02.2022, registered under Sections 279, 337 and 338 of the Indian Penal Code, 1860 at Police Station City II Malerkotla, District Malerkotla and all the subsequent proceedings arising therefrom on the basis of compromise.

On 10.03.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The prayer in the instant petition filed under Section 482 Cr.P.C., is for quashing of the case FIR No.48 dated 19.02.2022 for the offence under Sections 279, 337, 338 IPC 1860, registered at Police Station City II Malerkotla, District Malerkotla, and all consequential proceedings arising therefrom on the basis of compromise dated 25.02.2022 (Annexure P-2).

Learned counsel appearing on behalf of the petitioner inter alia

contends that the parties have amicably resolved their dispute during the pendency of the petition.

Notice of motion.

At this stage, Mr. Karanbir Singh, AAG, Punjab appears and accepts notice on behalf of respondents No.1-State.

Mr. Avninder Singh, Advocate, appearing on behalf of respondent No.2-complainant admits the execution of compromise dated 25.02.2022 (Annexure P-2) and has filed power of attorney on behalf of complainant/respondent No.2 today in Court.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement, on 21.03.2022.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings;*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

To come up on 20.04.2022 for further consideration.

Reply by respondent No.1-State be filed on or before the date of hearing fixed, if so desired.

(VINOD S. BHARDWAJ)
JUDGE

10.03.2022”

In pursuance of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Malerkotla to the Registrar Judicial of this Court. The relevant part of the report is reproduced hereinbelow:-

“In view of statements of complainant Jameela @ Jamila and accused Mohd. Amir @ Mohd. Imran, it is apparent that the matter has been compromised between them. Report is submitted specifying the following:

- 1. As per FIR, there is only one person namely Mohd. Imran i.e. petitioner/accused arrayed as accused in FIR.*

2. *As per statement of accused, he has never been declared proclaimed offender.*
3. *As per record, only FIR is received yet.*
4. *As per statements of parties, the compromise is genuine, voluntarily and without any coercion or undue influence. Accordingly report is being submitted please.*
Thanking you,

Yours faithfully,

*(Manpreet Kaur),
Sub Divisional Judicial Magistrate,
Malerkotla. UID-PB0367."*

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 there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioner has submitted that the petitioner has 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.48 dated 19.02.2022, registered under Sections 279, 337 and 338 of the Indian Penal Code, 1860 at Police Station City II Malerkotla, District Malerkotla and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

August 08, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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