

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10590-2022
Decided on : 11.05.2022

Jaswinder Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vikas Bishnoi, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 09 dated 14.01.2016 under Sections 307, 452, 323, 324, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Basti Bawa Khel, Jalandhar (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 FIR No.9 dated 14.01.2016 registered under Sections 307/452/323/324/148/149 of the Indian Penal Code, 1860 at Police Station Basti Bawa Khel, District Jalandhar (Annexure P-1) and all the

subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that in the present case, offence under Section 307 of IPC is not made out inasmuch as in the FIR itself, said Section has been added and there is no opinion of the Doctor declaring any injuries to be dangerous to life.

Notice of motion for 06.04.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vikas Bishnoi, Advocate appears on behalf of respondent Nos.2 and 3.

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

Subsequently, when the parties did not appear before the trial Court in pursuance of the abovesaid order, then on 06.04.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioners has submitted that one last opportunity be granted to the parties to appear before the Illaqa Magistrate/trial Court and for the same he prays for 15 days time.

Adjourned to 11.05.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days from today.

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.*

However, since the parties have not appeared before the Illaqa Magistrate/trial Court

in spite of giving direction vide order dated 14.03.2022, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh, within a period of 10 days from today.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.”

Learned counsel for the petitioner has produced a receipt to the tune of Rs.5,000/- which has been deposited in the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh, on 16.04.2022 in pursuance of the above order.

In pursuance of the above reproduced order, a report has been submitted by the Additional Sessions Judge, Jalandhar to the Assistant Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“From the statements of the parties i.e. complainant, injured. accused persons and police officials, this Court furnishes its report for kind perusal of the Hon'ble High Court as under:

- 1. Three persons namely Amarjit Singh, Jaswinder Singh and Jasvir Kaur have been challaned in this case. However, initially the FIR was registered against said accused persons apart from some unknown persons. In their statements in the Court, it was stated by complainant*

Gurpreet Singh and injured Mohan Singh that there is no other accused in the present FIR except the accused already challaned.

- 2. As per statements made by the parties and police officials i.e.ASI Kuldeep Singh, Investigating Officer and St-Arun Kumar, Additional SHO, none of the accused is proclaimed offender in this case*
- 3. From the statements made by parties detailed above and compromise deed placed on record Ex.CA, the compromise between the parties seems to be genuine, voluntary and without any coercion or undue influence.*
- 4. As stated by ASI Kuldeep Singh, Investigating Officer, no other FIR has been registered against any of the accused apart from the present FIR. However as per statement made by accused Amarjit Singh himself, one more FIR has been registered against him with P.S.Divn.No.6, Jalandhar.*
- 5. Statements of Investigating Officer and Additional SHO have also been recorded and as per the same, there is one complainant Gurpreet Singh who is also injured and apart from him, there is one other victim/injured namely Mohan Singh.*

Copies of statements of complainant, victim, accused persons, Investigating Officer and Additional SHO are enclosed herewith for kind perusal of Hon'ble High Court.

Hence, the report as desired by the Hon'ble High Court is submitted.”

A perusal of the above report would show that it has been stated that the statements of Complainant and the injured person as well as the petitioners have been recorded in the case and they 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 and the injured person 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 the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 and 3 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 09 dated 14.01.2016 under Sections 307, 452, 323, 324, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Basti Bawa Khel, Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 11th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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