

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-11324-2022
Decided on : 22.03.2022

Gobinder Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

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

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 251 dated 09.11.2020 under Sections 279, 337 and 427 of the Indian Penal Code, 1860 registered at Police Station City Kharar, Tehsil Kharar, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before a Coordinate Bench of this Court on 12.03.2021, the following order was passed:-

“Case heard by video conferencing.

*By this petition, the petitioner seeks quashing of
FIR No.0251, dated 09.11.2020, registered at Police*

Station City Kharar, District SAS Nagar, alleging therein the commission of offences punishable under the provisions of Sections 279/337/427 of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-), arrived at between the petitioner and respondent no.2.

Notice of motion be issued to the respondents.

Mr. Sandeep Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State, with Mr. Harpal Singh, Advocate, appearing for respondent no.2 and accepting notice. He will file a power of attorney duly executed by respondent no.2 in his favour, well before the next date of hearing.

A copy of the petition be e-mailed to them today itself by learned counsel for the petitioner.

Adjourned to 24.05.2021.

In the meanwhile, the petitioner, as also respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 21.04.2021, to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioner.

*March 12, 2021
dharamvir*

*(AMOL RATTAN SINGH)
JUDGE”*

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

“In compliance with the aforesaid order, parties appeared on 12.04.2021 and complainant Parshotam Singh got recorded his statement stating that the FIR has been registered on the basis of his statement against accused namely Gobinder Singh. Now, with the intervention of respectables, he has compromised the matter with the accused. The said compromise is without any threat, force and coercion. He has no objection if the present FIR alongwith other consequential proceedings be quashed against the above said accused.

Similarly, petitioner-accused Gobinder Singh has got recorded his statement to the effect that the matter has been compromised. The said compromise is without any threat, force, coercion. The said FIR alongwith other consequential proceedings may kindly be quashed against them.

ASI Lakhwinder Singh got recorded his

statement to the effect that the FIR No.251 dated 09.11.2020, under Sections 279, 337, 427 IPC, PS. City Kharar, District SAS Nagar has been registered against unknown person and the case had been registered on the basis of vehicle number. He stated that the accused is yet to join the investigation. He further stated that compromise has been effected between the parties. This Court is satisfied that aforesaid statements made by complainant and accused are voluntarily and without any threat or any undue influence. Report is hereby sent to your good-self office along with copies of statements of complainant and accused as required in compliance to the order of 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 has submitted that the petitioner was not declared proclaimed offender in the present case and is 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 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. 251 dated 09.11.2020 under Sections 279, 337 and 427 of the Indian Penal Code,1860 registered at Police Station City Kharar, Tehsil Kharar, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

March 22nd, 2022
Mehak

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