

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

~~244-A~~

CRM-M-9321-2020
Decided on : 21.04.2022

Surinder Kumar and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sourabh Arora, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Nrititka Verma, Advocate for
Ms. Kirandeep Kaur, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of cross case vide DDR No. 30 dated 19.08.2017 registered under Sections 323, 324 and 34 of the Indian Penal Code, 1860 (Section 326 IPC added later on) in FIR No. 133 dated 19.08.2017 under Sections 452, 323 and 34 of the Indian Penal Code, 1860 registered at Police Station Division B, District Police Commissionerate Amritsar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 21.03.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioners
submits that one more opportunity be given to the*

parties to get their statements recorded.

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

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing, in terms of the order dated 26.02.2020.

Adjourned to 21.04.2022.

To be heard along with CRM-M-8287-2020.”

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

“On 31.03.2022, statement of complainant Sharanbeer Singh @ Sharanjeet Singh, Jarnail Singh and Karmbir Singh and accused Surinder Kumar, Geeta Devi, Pawan Kumar @ Nikku and Ram Avtar on submitting their identify proofs and on identification of their counsel were recorded. Complainant and Jarnail Singh, and Karmbir Singh stated that they have compromised with the accused persons without any pressure, threat or undue influence and also the accused Surinder Kumar, Geeta Devi, Pawan Kumar @ Nikku and Ram Avtar stated that they have compromised with the complainant without any pressure, threat, duress, or influence.

IO/ASI Amarjit Singh has reported that

that there are only three accused namely Surinder Kumar, Geeta Devi, Pawan Kumar and Ram Avtar arrayed in the case DDR No. 30/19.08.2017, under Section 323/324/34 of IPC later added Section 326 of IPC, P.S. B-Divn, Amritsar, who have never been declared proclaimed offender by any of the court till date as per record and at this stage, challan has not been presented in the Court.

From the statements, it appears that complainant and accused/petitioners have compromised the matter without any pressure, duress, inducement and threat of any kind from any corner voluntarily with their free will.

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 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 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 to 4 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 cross case vide DDR No. 30 dated 19.08.2017 registered under Sections 323, 324 and 34 of the Indian Penal Code, 1860 (Section 326 IPC added later on) in FIR No. 133 dated 19.08.2017 under Sections 452, 323 and 34 of the Indian Penal Code,1860 registered at Police Station Division B, District Police Commissionerate Amritsar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 21st, 2022
Mehak

(VIKAS BAHL)
JUDGE

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