

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10217-2022
Decided on : 04.04.2022

Kabal Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Himanshu Garg, Advocate for
Mr. Sandeep Kumar, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

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

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 18 dated 21.01.2021 under Sections 406 and 120-B of the
Indian Penal Code, 1860 registered at Police Station Jandiala, District
Amritsar Rural (Annexure P-1) and all subsequent proceedings arising
on the basis of the compromise.

When the matter came up before this Court on 10.03.2022,
the following order was passed:-

*“This is a petition filed under Section 482 of
Cr.P.C. for quashing of FIR No.18 dated 21.01.2021
registered under Sections 406, 120-B of the Indian Penal
Code, 1860 at Police Station Jandiala, District Amritsar
Rural (Annexure P-1) 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 04.04.2022.

On asking of the Court, Mr. R.S. Khaira, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Gurpreet Singh, 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 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.”*

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

“Following is the requisite information, as directed:-

- I. As per the statement of SI Surjan Singh No. 2223/BTL, total three accused persons namely Kabal Singh son of Ranjit Singh, Kiran Kaur wife of Kabal Singh and Dilbag Singh son of Ranjit Singh, arrayed as accused.*
- II. As per the statement of SI Surjan Singh No. 2223/BTL, no accused is declared as proclaimed offender.*
- III. As per the statement of SI Surjan Singh No. 2223/BTL, accused persons are not involved in any other FIR and there is only one victim/complainant namely Sukhdev Singh son of Kartar Singh in the present case.”*

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 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 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 FIR No. 18 dated 21.01.2021 under Sections 406 and 120-B of the Indian Penal Code,1860 registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 4th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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