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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11441-2021

Date of decision : 04.08.2022

Jaswinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ravi Chadda, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

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

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.164 dated 18.10.2020 registered under Sections 323, 324, 325 and 34 of the Indian Penal Code, 1860 at Police Station Bullowal, District Hoshiarpur, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 12.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“By filing this petition, quashing of FIR No.0164 dated 18.10.2020 under Sections 323, 324, 325 and 34 IPC, registered at Police Station Bullowal, District Hoshiarpur, Punjab and all other subsequent proceedings arising

therefrom have been sought on the basis of compromise dated 26.02.2021.

Notice of motion.

Mr. Ajay Pal Singh Gill, DAG Punjab, and Mr. Inderpal Singh, Advocate, accept notice on behalf of respondent No.1-State and respondent No.2 respectively.

In view thereof, parties may appear before concerned trial Court/Duty Magistrate, on 27.04.2021 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his/her report:-

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 27.05.2021.

Sd/-(HARINDER SINGH SIDHU)

12.03.2021

JUDGE ”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Hoshiarpur. The relevant portion of the said report is reproduced hereinbelow:-

“It is respectfully submitted that a copy of order dated 12-03-2021 passed by Hon'ble Punjab & Haryana High Court, Chandigarh is received through office of Ld. District & Sessions Judge, Hoshiarpur. Statement of complainant Satnam Singh son of Darshan Singh and accused Jaswinder Singh son of Chander Dev Singh, Sukhvir Singh son of

Dalvir Singh and Chander Dev Singh son of Darshan Singh have been recorded by undersigned. Original compromise is produced by the parties and same is taken on file. As per statements of the parties, compromise has been effected between the parties. Compromise appears to be genuine and voluntary.

True copies of statements of complainant Satnam Singh son of Darshan Singh and accused Jaswinder Singh son of Chander Dev Singh, Sukhvir Singh son of Dalvir Singh and Chander Dev Singh son of Darshan Singh are attached with this letter for your goodself's kind perusal and necessary action. It is further submitted that as per report of Ahlmad of this Court, no proceedings against the parties is pending in the Court as per record.

Submitted please.

*Yours faithfully,
Sd/- (Rajinder Singh) PCS,
Judicial Magistrate Ist Class,
Hoshiarpur/27.04.2021”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for

the State, as per instructions has stated that these facts are 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 two parties.

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**”, reported as **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**”, reported as **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.164 dated 18.10.2020 registered under Sections 323, 324, 325 and 34 of the Indian Penal Code, 1860 at Police Station Bulloval, District Hoshiarpur, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

04.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No