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

CRM-M-10890-2022

Date of decision : 06.04.2022

Love Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Arti Kaur, 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.92 dated 05.07.2012 registered under Sections 394/34 of the Indian Penal Code, 1860 at Police Station B-Division, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 15.03.2022, this Court had passed the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.92 dated 05.07.2012 (Annexure P-1) registered under Sections 394, 34 IPC at Police Station B-Division, Amritsar and all other consequential proceedings arising therefrom on the basis of compromise deed.

Learned counsel for the petitioner has submitted that initially there were two accused arrayed in the present case,

including the petitioner, but the co-accused has since deceased and thus, the present petitioner is the only accused left in the present FIR. It is further submitted that the petitioner was declared as proclaimed offender but is in custody now and would get his statement recorded when he will be produced in the Court on the next date of hearing.

Notice of motion.

On the asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of respondent no.1. Ms.Pruthala Sethi, Advocate appears on behalf of respondent no.2-complainant and admits the factum of compromise.

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 Magistra2te/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.*

Adjourned to 06.04.2022. ”

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

“On 21.03.2022, statement of complainant Rahul Dhir on submitting his identify proof i.e. Adhar Card and on identification of his counsel was recorded. Whereas, on

28.03.2022, statement of accused Love Kumar on submitting his identify proof i.e. Adhar Card and on identification of his counsel was recorded. Complainant stated that he has compromised with the accused without any pressure, threat or undue influence and also the accused Love Kkumar stated that he has compromised with the complainant without any pressure, threat, duress, or influence.

IO/ASI Beeka Kumar has reported that that there are only two accused namely Love Kumar and Hira Singh, and one complainant Rahul Dhir arrayed in the case FIR No. 92/05.07.2012, under Section 394/34 of IPC, PS B-Division, Amritsar and accused Love Kumar was declared PO vide order dated 05.01.2015 and now, accused Love Kumar is in custody in the present case and said accused persons are not involved in any other FIR except the present case.

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.

Encls: Statement of complainant

Statement of accused

Photocopy of statement of IO

*Sd/- Sumukhi/PCS,
Judicial Magistrate Ist Class,
Amritsar
UID No. PB0379”*

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 petitioner has submitted that there are no other cases pending against the petitioner. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for the petitioner has further submitted that second accused i.e. Hira Singh has since died.

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 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**”, 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.92 dated 05.07.2012 registered under Sections 394/34 of IPC at Police Station B-Division, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

06.04.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**