

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8399-2020

Date of decision : 29.03.2022

Charanjit Kaur and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.H.S.Mann, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.107 dated 03.07.2019 registered under Sections 384, 388, 506, 120-B IPC at Police Station Boha, District Mansa and all other consequential proceedings arising therefrom on the basis of compromise.

On 26.02.2020, a coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition for quashing of FIR on the basis of compromise. It is stated that the challan has been filed in this case and the trial is going on.

Notice of motion for 30.4.2020.

At this stage, Mr. Gursevak Singh, Advocate has appeared on behalf of respondent No.2 -complainant by filing vakalatnama, which be taken on record. He admits the factum of compromise between the parties.

The parties are directed to appear in the trial Court within one month from today, so as to get their statements recorded regarding compromise. The trial Court is to ensure that the statements of the complainant as well as accused, are recorded

and then to report whether it has been so done voluntarily, without any threat or coercion. It be also reported whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by the next date of hearing.

The State counsel shall also get the genuineness of the compromise verified and inform the court in that regard.

26.2.2020

**(H.S. Madaan)
Judge”**

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

“From the statements of the parties, it has come on record that parties has not been declared as proclaimed offender. Further as per the file also, the accused are appearing in the case and they have not been declared as proclaimed offender and now challan has been presented and charge has been framed against them and case is pending for prosecution evidence.

Therefore, by considering the statements of complainant and the accused, it makes out that the parties of the present case have compromised the matter with their free will and without any pressure and influence, so this compromise between the parties appears to be done voluntarily without any threat or coercion.

Hence, necessary report is hereby submitted for kind perusal.

Thanking you.

Yours faithfully

*(Jagjeet Singh, PCS),
Judicial Magistrate 1st Class,
Budhlada, UID no.PB0422 ”*

A perusal of the above said report would show that the petitioners and complainant-respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine and out of free will.

Learned counsel for the petitioners has submitted that there is

no other FIR against the petitioners and they were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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***”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no. 107 dated 03.07.2019 registered under Sections 384, 388, 506, 120-B IPC at Police Station Boha, District Mansa and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 29, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No