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

CRM-M-8800-2019

Date of decision : 20.09.2022

Balwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. V.P.S. Mithewal, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Gaurav, Advocate for
Mr. Vikram Satpal Anand, Advocate
for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.84 dated 24.09.2016 registered under Sections 279, 337, 427 of the Indian Penal Code, 1860 at Police Station Kanwan, District Pathankot and all the subsequent proceedings arising therefrom on the basis of compromise.

On 26.02.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed for quashing of FIR No.84 dated 24.09.2016, registered at Police Station Kanwan, District Pathankot, under Sections 279, 337, 427 IPC (P-1), on the basis of compromise.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of the State of Punjab. Let two copies of the petition be supplied to him during the course of the day. Mr. Vikram Satpal Anand, Advocate, puts in appearance and accepts notice on behalf of respondents No.2 & 3.

The parties are directed to appear before the trial Court/Illaq Magistrate on 10.04.2019 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court regarding the genuineness of the compromise between the parties well before the next date of hearing.

Adjourned to 16.07.2019.

February 26, 2019

Sd/- (SUDHIR MITTAL)

JUDGE ”

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

*“Keeping in view all aspects and statements of complainant and the accused, this Court is of the considered view that **statements of appearing parties are not the result of any pressure or coercion or undue influence and their compromise is genuine and valid.***

Report along with copies of statements of complainant and injured and accused are submitted, with regards, as directed.”

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 the petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent Nos.2 and 3 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.84 dated 24.09.2016 registered under Sections 279, 337, 427 of the Indian Penal Code, 1860 at Police Station Kanwan, District Pathankot 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.

20.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No