

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CRM-M-10716-2022
Decided on : 21.04.2022

Pardeep Kumar and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Amandeep Chhabra, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. P. P. S. Tung, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 76 dated 17.07.2020 under Sections 420 and 34 of the Indian Penal Code, 1860 registered at Police Station Phul, District Bathinda (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 14.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.76 dated 17.07.2020 registered under Sections 420/34 of the Indian Penal Code, 1860 at Police Station Phul, District Bathinda (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 21.04.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. P.P.S. Tung, 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 three 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 Sub Divisional Judicial Magistrate, Phul to the Registrar General of this Court. The relevant portion of the said report is reproduced

hereinbelow:-

“The point wise report is as under:

- 1. As per the statement of ASI Jaswinder Singh No.813/BTI, P.S. Phul there are only three accused in the present case. As per the statement of complainant Bhola Singh, the present FIR was lodged by him against accused Chanchal Kumari, Pardeep Kumar and Raj Kumar only.*
- 2. As per the statement of ASI Jaswinder Singh No. 813/BTI, P.S. Phul the accused have not been declared as proclaimed offender.*
- 3. The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence. Statements of parties were duly recorded before the undersigned and they were duly identified by their respective counsel.*
- 4. As per the statement of ASI Jaswinder Singh No.813/BTI, P.S. Phul, the accused person namely Chanchal Kumari, Pardeep Kumar himself and Raj Kumar are not involved in any other FIR.*
- 5. As per the statement of ASI Jaswinder Singh No.813/BTI, P.S. Phul, there is only one complainant namely Bhola Singh and three accused namely Chanchal Kumari, Pardeep Kumar and Raj Kumar.*

Accordingly, the compliance report is sent herewith for your kind perusal please alongwith the statements of complainant Bhola Singh and accused Chanchal Kumari, Pardeep Kumar on behalf of himself and being Special Power of Attorney Holder

of accused Raj Kumar and ASI Jaswinder Singh. Photocopies of Aadhar Cards of complainant and accused persons as Mark-E and Mark-C, Mark-D and Mark-F, photocopy of compromise dated 12.02.2022 as Mark-B and photocopy of Special Power of attorney as Mark-A.

Thanking you.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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 the abovesaid 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. 76 dated 17.07.2020 under Sections 420 and 34 of the Indian Penal Code,1860 registered at Police Station Phul, District Bathinda (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 21st, 2022
Mehak

(VIKAS BAHL)
JUDGE

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