

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10872-2022
Decided on : 23.05.2022

Darshan Singh & others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Munish Bansal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vipul Goel, Advocate and
Mr. Yogesh Goel, Advocate for
Mr. Himmat Singh Sidhu,
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 68 dated 30.04.2021 under Sections 452, 324, 323, 148 and
149 of the Indian Penal Code, 1860 registered at Police Station
Talwandi Sabo, District Bathinda (Annexure P-1) and all subsequent
proceedings arising on the basis of the compromise.

On 14.03.2022, a Coordinate Bench of this Court was
pleased to pass the following order:-

*“By way of filing the instant petition, the
petitioners have sought indulgence of this Court in
quashing of FIR No.0068 dated 30.04.2021,
registered under Sections 452, 324, 323, 148 and 149
IPC at Police Station Talwandi Sabo, District*

Bathinda and all subsequent proceedings arising therefrom, on the basis of compromise dated 02.03.2022 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Mr. Himmat Singh Sidhu, Advocate puts in appearance on behalf of respondents No.2 and 3 by filing power of attorney, which is taken on record and admits the factum of compromise effected between the parties.

Since the parties have moved this Court for quashing of the FIR on the basis of the compromise, they are directed to appear before trial Court/Illaq Magistrate on 24.03.2022 or on any other date convenient to the Court, for recording their statements with regard to the genuineness and authenticity of compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 23.05.2022 containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 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 case or not.*
- 5. Whether all the parties named in the FIR have made their statement regarding the compromise.*
- 6. Current stage of the case.*

Report of the Illaq Magistrate/trial Court be awaited for the date fixed. Reply on behalf of State also be filed.

Sd/-

14.03.2022

(SANT PARKASH)
JUDGE”

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class, Talwandi Sabo to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

"3. It is submitted that as per statement of Investigating Officer and as per record, there are only six accused in the present FIR, who are the petitioners in the present petition. No other person is involved in the present FIR except above said accused/petitioners nor any accused is declared proclaimed offender. All the parties named in the FIR have made their statement regarding the compromise. Challan in the FIR has already been presented in the Court and trial is pending for consideration on charge. IO further stated that no other case has been registered against any of the accused/petitioners, as per record of police station.

4. It is further humbly submitted that as per the statements of the parties, the compromise effected between the parties is voluntary and without any pressure.

5. Report is submitted accordingly."

A perusal of the above report would show that the statements of both the parties have been recorded in the case and they 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 Nos. 2 and 3 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 68 dated 30.04.2021 under Sections 452, 324, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Talwandi Sabo, District Bathinda (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 23rd, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No