

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10861-2022(O&M)

Date of decision : 02.05.2022

Baljinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vivek Sharma Vashisht, Advocate
for the petitioners.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Vikas Kumar, Advocate
for respondent nos.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.116 dated 22.06.2014 registered under Sections 452, 323, 427, 506, 148, 149 IPC (Section 325 IPC added later on) at Police Station Sadar Khanna, Police District Khanna, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise.

On 18.04.2022, this Court was pleased to pass the following order:-

“CRM-13202-2022

Application is allowed, as prayed for.

CRM-13203-2022

This is an application filed under Section 482 of Cr.P.C. on behalf of respondent No.2-Harbhajan Singh for extension of time in recording the statements of the parties qua the compromise.

Learned counsel for the petitioners as well as respondent Nos.2 and 3 have submitted that on 14.03.2022, one month time was granted by this Court to get the statements of the parties recorded before the trial Court, which has already been elapsed on 14.04.2022 and thus, jointly prayed that time may kindly be further extended upto 30.04.2022 so that the parties can get their statements recorded.

Keeping in view the abovesaid facts and in view of the averments made in the application, the application is allowed and time is extended upto 30.04.2022 so that parties can get their statements recorded before the Illaqa Magistrate/trial Court.

The parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise upto 30.04.2022.

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.*

However, since the statement of the parties could not be recorded in spite of giving direction, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the Punjab and Haryana High Court Employees' Welfare Association Fund, within a period of 10 days from today.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

18.04.2022

**(VIKAS BAHL)
JUDGE"**

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Khanna. The relevant portion of the said

report is reproduced hereinbelow:-

“From the aloresaid statements written by the undersigned, it appears that:

(1) As per the statement of Ct. Satvir Singh No.269/Khanna posted at P.S. Sadar Khanna and record of the case, in the present case, only eight persons namely Baljinder Singh son of Ujagar Singh, Rajdeep Singh son of Baljinder Singh, Mandeep Singh son of Angrej Singh, Gurjit Singh son of Rajinder Singh, Avtar Singh son of Rakha Singh, Onkar Singh son of Jaspal Singh, Jatinder Singh @ Joti son of Harjit Singh, Sukhminder Singh son of Rachhpal Singh and Jatinder Singh @ Bachhi son of Jaipal Singh have been arrayed as accused and they all suffered separate statements regarding compromise.

(2) As per the statement of Ct. Satvir Singh No.269/Khanna, posted at P.S. Sadar Khanna, the aforesaid accused persons are not proclaimed offenders in the present case.

(3) In the opinion of the undersigned, the parties have voluntarily without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise on the face of it seems to be voluntary, genuine and true.

(4) As per the statement of accused Baliinder Singh son of Ujjagar Singh himself, one FIR No. 40 dated 26.03.2022 under Scction 379 IPC and 21 Mines & Mineral Act, has been registered against him at PS. Machhiwara Sahib and he is on bail in said FIR.

5) As per the statement of Ct. Satvir Singh No.269/Khanna, posted at PS. Sadar Khanna and record of the case, in the present case, there are two injured in the present case i.e. one complainant-cum-injured namely Harbhajan Singh son of Gurcharan Singh and another injured namely Laxman Ray son of Jhameli Ray and they suffered separate statement regarding compromise.

With these submissions, the report with regard to compromise is being submitted accordingly for the kind perusal of the Hon'ble Court please. Copies of statements of parties dated 12.04.2022 (original statements already sent to the Hon'ble High Court, Chandigarh) and statements in original of the parties and Ct. Satvir Singh No.269/Khanna dated 30.04.2022 and copy of

compromise Ex.C-1 besides copies of Ex.C-2 to Ex.C-12, are also annexed herewith for kind perusal.

Submitted please.

Yours Sincerely,

Encl. As above.

*(Deepal Singh), PCS
Judicial Magistrate Ist Class,
Khanna.(UID-PB0468) ”*

A perusal of the above said report would show that the petitioners and respondent nos.2 and 3 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 the petitioners 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 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 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.116 dated 22.06.2014 registered under Sections 452, 323, 427, 506, 148, 149 IPC (Section 325 IPC added later on) at Police Station Sadar Khanna, Police District Khanna, District Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 02, 2022.

Davinder Kumar

(VIKAS BAHL)
JUDGE