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

CRM-M-11898-2021

Date of decision : 20.05.2022

Malkeet Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Neha Dewan, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Gurpalak Kaur, Advocate for
Mr. Ravi K. Mattoo, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.147 dated 05.12.2020 registered under Sections 323, 324, 506, 34 of the Indian Penal Code, 1860 at Police Station Subhanpur, District Kapurthala, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise.

On 16.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case heard via video conferencing.

This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioners and respondent no.3, of FIR No.147 dated 05.12.2020, under Sections 323, 324, 506, 34 IPC, registered at Police Station

Subhanpur, District Kapurthala, Punjab. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion is issued to the respondents.

On the asking of the Court Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of respondents No.1 and 2.

A copy of the petition be e-mailed to learned State counsel by learned counsel for the petitioners today itself.

Respondent no.3 be served by normal process.

Adjourned to 19.05.2021.

In the meanwhile, the petitioners, as also respondent no.3, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 09.04.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

In the meanwhile, proceedings pursuant to the FIR shall remain stayed till the next date of hearing subject to the complainant obviously appearing before the learned Area Magistrate/trial Court to record his statement.

March 16, 2021

Sd/-(AMOL RATTAN SINGH)

JUDGE ”

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

“the undersigned has got recorded the statements of the parties to the compromise i.e. complainant as well as the accused and they have got recorded their statements in the Court vide which complainant Satnam Singh on dated 22.04.2021 has stated that he has entered into compromise with the accused Malkeet Singh and Amandeep Singh and he has entered into the said compromise without any pressure or threat from any side. He submitted that he does not want to pursue with the present FIR and stated that he has no objection if he FIR is quashed against both the accused namely Malkeet Singh and his son Amandeep Singh. He also stated that there is no other person injured or effected in the present FIR.

Statements of accused Malkeet Singh and Amandeep Singh, have also been recorded on 22.04.2021, wherein they stated that they had compromised the matter with the complainant and the same is without any pressure, coercion and undue influence. Both the parties were duly identified by their counsels.

In view of the statements of the parties, I am of the view that the compromise has been validly effected. The parties were also inquired personally to which they have stated that the compromise has been effected as per their free will and without any kind of pressure, threat or undue influence. Further, as per report of concerned clerk accused Malkeet Singh and Amandeep Singh have been arrayed as accused in the present FIR None of the accused is proclaimed offender. There is no other injured or effected person in the present FIR.

Submitted please.

Yours faithfully,

Sd/- (Supreet Kaur)

Judicial Magistrate 1st Class

Kapurthala.”

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 petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent No.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.147 dated 05.12.2020 registered under Sections 323, 324, 506, 34 of the Indian Penal Code, 1860 at Police Station Subhanpur, District Kapurthala, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

20.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No