

203-A

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

CRM-18006-2021 in/and
CRM-M-11967-2021 (O&M)
Date of decision : 20.05.2022

Satnam Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Gurpalak Kaur, Advocate for
Mr. Ravi K. Mattoo, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Neha Dewan, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

Learned counsel for the petitioners and respondent No.3 have pointed out that in the present case, offence under Section 326 of IPC has been added and thus, application bearing No.CRM-18006-2021 was filed for adding said Section in the headnote and prayer clause of the main petition and the said application is pending for 01.06.2022 and thus, jointly prayed that the date of hearing in the said application be preponed from 01.06.2022 to today as the matter has been compromised and the statements of the parties have already been recorded. Even in the report sent by Judicial Magistrate Ist Class, Kapurthala, Section 326 of IPC has been considered

and thereafter it has been opined that the compromise is genuine.

Learned State Counsel has no objection in case the date of hearing in the said application bearing No.CRM-18006-2021 is preponed from 01.06.2022 to today.

In view of the aforesaid facts and no objection from the opposite side, the date of hearing in application bearing No.CRM-18006-2021 is preponed from 01.06.2022 to today and is taken on Board today itself.

CRM-18006-2021

This is an application filed under Section 482 of Cr.P.C. for adding Section 326 of IPC in General Diary No.20 dated 06.12.2020 alongwith other Sections which are already mentioned in the headnote and prayer clause of the main petition.

In view of averments made in the application, the present application is allowed.

Section 326 of IPC is ordered to be added in the headnote and in the prayer clause of the main petition.

Registry is directed to carry out the necessary corrections.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of General Diary No.20 dated 06.12.2020 registered under Sections 323, 324, 506, 34 of the Indian Penal Code, 1860 at Police Station Subhanpur, District Kapurthala (Annexure P-1) (Section 326 of IPC has been added later on) in 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 19.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“ Case heard via video conferencing.

By this petition, the petitioners seek quashing of General Diary no.020 dated 06.12.2020, registered at Police Station Subhanpur, District Kapurthala, for the alleged commission of offences punishable under Sections 323/324/506/34 of the IPC (recorded as a cross-case in FIR no.147 dated 05.12.2020, registered at the same police station for the alleged commission of offences punishable under Sections 323/324/506/34 of the IPC).

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, learned DAG, Punjab, accepts notice at the asking of the court on behalf of respondent nos.1 and 2, with Ms. Neha Dhawan, Advocate, accepting notice on behalf of respondent no.3. She does not deny the factum of the compromise.

A petition already having been filed seeking quashing of the FIR in question (with this petition being one seeking quashing of the crosscase registered thereto), adjourned to the same date, i.e. 19.05.2021.

To be heard alongwith CRM-M-11898-2021.

In the meanwhile, naturally, the parties would appear before the learned trial court concerned to record their statement as regards the compromise reached between them qua the cross-case also.

19.03.2021

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:-

“With due respect, it submitted that upon receiving the order of the Hon'ble High Court, passed in CRM-M-11967 of 2021 GD No.20 dated 06.12.2020 under Section 323/324/506/34/326 of IPC. (offence u/s 326 IPC added later on) P.S. Subhanpur, Distt. Kapurthala, titled as "Satnam Singh & Anr. Vs. State of Punjab and ors”, whereby the undersigned has been directed to record the statements of the parties with regard to the genuineness of the compromise, 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 Malkeet Singh on dated 22.04.2021 has stated that he has entered into compromise with the accused Satnam Singh and Prince @ Baljeet 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 GD and stated that he has no objection if the GD is quashed against both the accused namely Satnam Singh and his son Prince @ Baljeect Singh. He also stated that there is no other person injured or effected in the present GD.

Statements of accused Satnam Singh and Prince @ Baljeet 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 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 Satnam Singh and Prince @ Baljeet Singh have been arrayed as accused in the present GD. None of the accused is proclaimed offender. There is no other injured or effected person in the present GD.

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 General Diary No.20 dated 06.12.2020 registered under Sections 323, 324, 506, 34 of the Indian Penal Code, 1860 at Police Station Subhanpur, District Kapurthala (Annexure P-1) (Section 326 of IPC has been added later on) in 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