

140-A

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

CRM-10778-2022 in/and
CRM-M-12899-2021 (O&M)
Date of decision : 28.03.2022

Amarjeet Singh Gill and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. N.K. Verma, Advocate for the petitioners.

Mr. Harpreet S. Multani, AAG, Punjab.

Ms. Sukhanpreet Kaur Rangî, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-10778-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 31.08.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Harpreet S. Multani, AAG, Punjab,

appears and accepts notice on behalf of the non-applicant/State of Punjab and Ms. Sukhanpreet Kaur Rangi, Advocate appears on behalf of non-applicant/respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 31.08.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 31.08.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of General Diary No.17 dated 01.11.2020 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Phase-1, District SAS Nagar (Mohali) (Annexure P-1) in cross-case FIR No.184 dated 01.11.2020 registered at Police Station Phase-1, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 19.07.2021.

At this stage, Mr. J.S. Chahal Advocate appears on behalf of respondent No.2.

In the meanwhile, parties would appear before the

Illaq Magistrate on 06.04.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.

To be heard along with CRM-M No.11961 of 2021 titled Devinderpal Singh Kang & Anr. Vs. State of Punjab & Anr.

22.03.2021

Sd/- (RAJ MOHAN SINGH)

JUDGE”

In pursuance of the abovesaid order, a report has been submitted by the Chief Judicial Magistrate-cum-Additional Civil Judge (Senior Division), SAS Nagar, Mohali. The relevant portion of the said report is reproduced hereinbelow:-

“It is further respectfully submitted that the perusal of these statements so recorded shows that the compromise effected between the parties in relation to FIR No.184 dated 01.11.2020 P.S. Phase-1 Mohali as well as DDR No.17 dated 01.11.2020 P.S. Phase-1, Mohali, is genuine and valid. There are two accused persons in FIR No.184 dated 01.11.2020 P.S. Phase-1 Mohali namely Devinderpal Singh Kang and Charanjit Kaur. There are three accused persons in DDR No.17 dated 01.11.2020 P.S. Phase-1 Mohali namely Amarjit Singh Gill, Preet Kamal Gill and Harschelle Gill. From the statements of accused persons, it appears that no other case is pending against the accused persons. No accused person has been declared proclaimed offender/person in this case. The next date before the

Hon'ble High Court is 19.07.2021. Report is submitted for kind perusal.

Encls:

- 1. Original statements of Devinderpal Singh dated 31.03.2021 & 06.04.2021.*
- 2. Original statements of Amarjit Singh Gill dated 31.03.2021 & 06.04.2021.*
- 3. Original statement of Charanjit Kaur dated 31.03.2021.*
- 4. Original statements of Preet Kamal Gill and Harschelle Gill dated 06.04.2021.*
- 5. Original statement of I.O. ASI Sohan Singh dated 31.03.2021.*
- 6. Copy of zimni order dated 31.03.2021.*
- 7. Copy of zimni order dated 06.04.2021.*
- 8. Copy of zimni order dated 05.05.2021.*

Yours sincerely,

Sd/- Pamelpreet Grewal Kahal, 05.05.2021

*Chief Judicial Magistrate-cum-
Additional Civil Judge (Senior Division),*

SAS Nagar, Mohali ”

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.2 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.17 dated 01.11.2020 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Phase-1, District SAS Nagar (Mohali) (Annexure P-1) in cross-case FIR No.184 dated 01.11.2020 registered at Police Station Phase-1, District SAS Nagar (Mohali) 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.

28.03.2022
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**