

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M-11517-2022
Decided on : 20.04.2022

Avtar Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Damanjit Singh Sandhu, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Charanjit Singh, Advocate
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. 74 dated 21.10.2021 under Sections 341, 323 and 355 of the Indian Penal Code, 1860 registered at Police Station Sherpur, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 17.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.74 dated 21.10.2021 registered under Sections 341, 323 and 355 of the Indian Penal Code, 1860 at Police Station Sherpur, District Sangrur, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of

compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 20.04.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Charnjit Singh, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

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.”*

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Dhuri to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“3. From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of

free will of the parties.

4. Accused have stated that no other criminal case or FIR is pending against them. Further, Investigating Officer of the present case namely ASI Rajwinder Singh No. 1642/Sgr now posted at PS Sherpur, stated that no other FIR is pending against the accused.

5. Investigating Officer of the present case namely ASI Rajwinder Singh No. 1642/Sgr now posted at PS Sherpur, stated that the present FIR No. 74 dated 21.10.2021, PS Sherpur, District Sangrur was registered on the statement of complainants Gurdeep Singh (Granthi) son of Nazar Singh resident of village Isapur Ladda, PS Sadar Dhuri, now resident of Fatehgarh Panjgrian Tehsil-Dhuri, District- Sangrur and Jaswinder Singh (Accountant) son of Piara Singh resident of Fatehgarh Panjgrian Tehsil-Dhuri, District Sangrur and there is no other complainant or victim in the present FIR apart from complainants mentioned above.

Report is submitted as desired, please,”

A perusal of the said report would show that it has been stated that the statements of the complainants as well as the petitioners have been recorded in the case and both parties 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 complainants 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, 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 74 dated 21.10.2021 under Sections 341, 323 and 355 of the Indian Penal Code,1860 registered at Police Station Sherpur, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 20th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No