

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232-A

CRM-M-12437-2021
Decided on : 02.06.2022

Amarjit Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Himanshu Puri, Advocate
for the petitioners.

Mr.Harsimar Singh Sitta, AAG, Punjab.

Mr. Manoj Pundir, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 95 dated 19.08.2020 under Sections 323, 324, 341, 201 and 34 of the Indian Penal Code, 1860 registered at Police Station Sandaur, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 18.03.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioners and respondent no.2, of FIR no.95, dated 19.08.2020 (as also all other subsequent proceedings arising therefrom), registered at Police Station Sandaur, District Sangrur, for the alleged commission of offences punishable under Sections 323, 324, 341 and 201

of the IPC, read with Section 34 thereof. A copy of the compromise deed has been annexed as Annexure P-3 with the petition.

Notice of motion be issued to the respondents.

Mr. Amit Mehta, learned Sr. DAG, Punjab, accepts notice at the asking of the court on behalf of respondent no.1.

A copy of the petition be handed over to learned State counsel by learned counsel for the petitioners today itself.

Adjourned to 25.05.2021.

Respondent no.2 be served by way of normal process.

In the meanwhile, the petitioners, as also respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 20.04.2021 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.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the

petitioners.”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Malerkotla to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“3. After going through the statements of the parties and on asking the parties, it is crystallized that the compromise has been arrived at genuinely and is made voluntarily without any pressure or coercion.

4. Affected persons: Amandeep Singh son of Ajaib Singh s/o Kehar Singh r/o Village Shergarh Cheema, P.S. Sandaur, Tehsil Malerkotla, District Sangrur is complainant/victim in FIR no. 95 dated 19.08.2020 P.S. Sandaur and Amarjit Singh son of Major Singh son of Puran Singh and Manjinder Singh son of Maghar Singh s/o Kehar Singh, both residents of Village Shergarh Cheema, Tehsil Malerkotla, District Sangrur have been arrayed as accused in the above mentioned FIR

5. There is no other person involved in the occurrence, who is not the party to the present petition, whose consent for the compromise is required, if the FIR in question is quashed by Hon'ble High Court.

6. As per statement of Investigating Officer ASI Harjinder Singh, except the above named accused, no other person was involved in the occurrence. Further no other criminal case of like nature or otherwise is pending against any of the party.

Report is submitted as desired please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners have

been recorded in the case and they 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 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 No. 2 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 95 dated 19.08.2020 under Sections 323, 324, 341, 201 and 34 of the Indian Penal Code, 1860 registered at Police Station Sandaur, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

June 2nd, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No