

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-12295-2021
Decided on : 18.05.2022

Daleep Kumar and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vinod Kumar Kaushal, Advocate
for the petitioners.

Mr. A. A. Pathak, Addl. A.G., Punjab.

Mr. Raman Kumar, Advocate for
Mr. Prashant Vashisht, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 48 dated 12.07.2020 under Sections 323, 506, 394, 379-B, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station GRP Amritsar, District Government Railway Police, Amritsar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 17.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The instant petition has been filed under Section 482 Cr.P.C, for quashing of the FIR No.48 dated 12.07.2020 under Section 323, 506, 394, 379- B, 148 and 149 of the IPC registered at

PS GRP Amritsar, District Government Railway Police, Amritsar and all consequential proceedings arising therefrom on the basis of compromise.

Learned counsel contends that both the parties are employees of the Railways and the occurrence took place at the spur of the moment while they were standing next to a tea-stall and having tea. Learned counsel has invited the attention of this Court to compromise dated 14.08.2020 (Annexure P-2) which has been effected between the parties vide which the misunderstanding between them has been removed. He further submits that matter is still at the stage of investigation, hence, in the light of the compromise arrived at between the parties, no useful purpose would be served in pursuing the aforementioned FIR. In support of his submissions, he has placed reliance upon the judgment passed by the Apex Court in Shiji Pappu & Ors Vs. Radhika & Anr 2012(1) Cr.C.C. 138(SC).

Notice of motion for 18.05.2021.

Mr. Prashant Vashisht, Advocate, has put in an appearance on behalf of respondent No.2 and admits the factum of compromise between the parties. He undertakes to file his power of attorney during the course of the day.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial court on 19.04.2021 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the

statements of both the parties specifying the following:

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

*Sd/-
March 17,2021 (MANJARI NEHRU KAUL)
JUDGE”*

In pursuance of the above order, a report has been submitted by the Chief Judicial Magistrate, Amritsar to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“They are making their statement in the Court without any kind of pressure, coercion and fear.

- i. The present case was got registered by Jatinder Singh son of Kuldeep Singh against accused Daleep Kumar, Akshay and Mahajan alias Kiran Kumar. All the abovenamed accused appeared in the Court and have got recorded their*

statements regarding compromise.

ii. As per the statement of Investigating officer S.I. Jagdish Singh and as per record, none of the accused has been declared as proclaimed offender in this case.

iii. The case is still at investigation stage. Neither any accused has been arrested nor the challan has been presented so far.

iv. From the statements of the complainant and the accused, I am satisfied that the compromise between the parties is genuine and valid, and without any coercion or undue influence from any corner.

Submitted please.”

A perusal of the above report would show 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. 48 dated 12.07.2020 under Sections 323, 506, 394, 379-B, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station GRP Amritsar, District Government Railway Police, Amritsar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 18th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No