

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9390-2019

Date of decision:29.08.2022

Mohd. Shehzad and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Singh, Advocate for
Mohd. Yousaf, Advocate for the petitioners.

Mr. Vikas Arora, AAG, Punjab.

Mr. Gazi Mohd. Umair, Advocate for respondents No.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of DDR bearing No.35 dated 22.08.2018 under Sections 323, 324, 427, 148, 149 IPC in FIR No.206 dated 22.08.2018 under Sections 323, 324, 506, 148, 149 IPC registered at Police Station Rama Mandi, District Jalandhar (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 21.12.2018 (Annexure P-2).

On 28.02.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“By filing this petition, quashing of DDR bearing No.35 dated 22.08.2018 under Sections 323,324,427,148,149 IPC in FIR No.0206 dated 22.8.2018 under Sections 323,324,506,148,149 IPC, registered at Police Station Rama Mandi District Jalandhar and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Karambir Singh, AAG, Punjab accepts notice on behalf of respondent No.1-State.

Parties may appear before concerned Illaqa/Duty Magistrate on 14.03.2019 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 14.05.2019.

February 28, 2019

*(Harinder Singh Sidhu)
Judge”*

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

“.....It is further respectfully submitted that from the statements of both the parties, it seems that compromise effected between them is genuine one and is voluntarily without any pressure, out of free will, duress or any undue influence. In the said case, the above said complainants and accused persons are arrayed and there is no other accused persons in this present case. Hence, my report as desired by the Hon'ble High Court regarding the genuineness of the compromise effected between the parties.

Submitted please.

Yours faithfully

*(Balkar Singh), PCS,
Judicial Magistrate 1st Class,
Jalandhar/UID PB0432”*

A perusal of the above said report would show that the petitioners, respondents No.2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary,

genuine, and out of free will. Although in the report, the accused persons are stated to be complainants and the complainants have been stated to be accused persons, but the statements of the parties have been recorded in support of the compromise.

Learned State counsel has stated that he has no objection in case the DDR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondents No.2 and 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 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***

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.”

In view of what has been discussed hereinabove, this petition is allowed and DDR bearing No.35 dated 22.08.2018 under Sections 323, 324, 427, 148, 149 IPC in FIR No.206 dated 22.08.2018 under Sections 323, 324, 506, 148, 149 IPC registered at Police Station Rama Mandi, District Jalandhar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

August 29, 2022

Ishwar Singh

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No