

250

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

CRM-M-8911-2020

Date of decision : 06.04.2022

Vipanjeet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Suresh Singla, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Shiv Kumar Rana, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.74 dated 03.06.2014 registered under Sections 324, 323, 34 of the Indian Penal Code, 1860 at Police Station Raman, District Bathinda (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 09.03.2022, this Court had passed the following order:-

“Learned counsel for the parties have submitted that in pursuance of the order dated 28.02.2020, the parties could not appear before the trial Court to make their statements on account of COVID-19 pandemic and seeks one more opportunity for the parties to appear before the trial Court and record their statements.

The parties are again 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.*

Adjourned to 06.04.2022. ”

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Talwandi Sabo. The relevant portion of the said report is reproduced hereinbelow:-

“3. It is further submitted that statement of ASI Gora Singh no. 642/BTI, Investigating Officer in the present FIR, has also been recorded on 24.03.2022. As per the statement of Investigating Officer, there are four accused in the present FIR namely, Vipanjeet Singh son of Jasvir Singh @ Jasveer Singh, Jagjit Singh @ Jagjeet Singh, Manprit Singh @ Manpreet Singh and Sandeep Singh son of Balveer Singh both residents of near Gurudwara Singh Sabha, Raman Mandi, Tehsil Talwandi Sabo, District Bathinda, who are the petitioners in the present petition and none of the accused are proclaimed offenders and accused/petitioners are not involved in any other FIR. As per the statement of Investigating Officer, in the present FIR there is only one

complainant namely, Lakhwinder Singh son of Harsukhdev Singh and one victim namely, Sukhjit Singh son of Binder Singh.

4. *It is further submitted that as per the statements of the parties the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.*

Report is submitted accordingly.,

Yours faithfully,

Sd/- (Rattan Deep Singh), PCS

Sub Divisional Judicial Magistrate,

Talwandi Sabo

UID Code No.PB00574”

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 Nos.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**”, 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 FIR No.74 dated 03.06.2014 registered under Sections 324, 323, 34 of IPC at Police Station Raman, District Bathinda (Annexure P-1) 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.

06.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No