

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

CRM-M-12619-2021
Decided on : 16.05.2022

Nishan Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Amit Gupta, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vineet Mittal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 302 dated 19.10.2020 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Civil Line, Police Commissionerate, Amritsar (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 is a petition for quashing of FIR on the basis that a compromise has been entered into between the parties.

Notice of motion for 17.05.2021.

At this stage, Ms. Bhavna Gupta, DAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of

respondent No.1-State. Similarly, Mr. Vineet Mittal, Advocate accepts notice on behalf of complainant-respondent No.2 and admits to the factum of compromise.

Service is complete.

In the meantime, the parties are directed to appear before the learned trial Court/Illaqa Magistrate on 17.04.2021 or any other date convenient to the trial court/Illaqa Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaqa Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 17.05.2021.

A copy of this order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.

*Sd/-
March 18, 2021 (JAISHREE THAKUR)
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. That the present case was got registered by complainant Gagandeep Saxena against*

accused Nishan Singh and Rajvir Singh. Complainant and both the abovenamed accused appeared in the Court and have got recorded their statements regarding compromise.

- ii. That as per the statement of Investigating officer ASI Virsa Singh and as per record, none of the accused as well as complainant has been declared as proclaimed offender in this case.*
- iii. That there is only one victim namely Gagandeep Saxena. The case is still at investigation stage. Neither any accused has been arrested nor the challan has been presented so far.*
- iv. That as per the statements of the parties and the Investigating Officer two accused are involved in this case and none of the accused remained involved in any criminal activity except the present case.*
- v. That from the statements of the complainant and the accused, I am satisfied that 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 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. 302 dated 19.10.2020 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Civil Line, Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 16th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No