

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

CRM-M-11455-2022

Date of decision: 25.08.2022

Kulbir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. S.S. Gill, Advocate, for the petitioner.

Mr. J.S. Mehndiratta, Addl. AG, Punjab.

Mr. Harman, Advocate, for

Mr. Rahul Sharma, Advocate, for respondent No. 2.

AMAN CHAUDHARY, J. (ORAL)

Present petition has been filed for quashing of FIR No.0164 dated 01.06.2021, under Sections 342, 323, 506 IPC, registered at Police Station Kamboj, District Amritsar Rural and all other consequential proceedings arising therefrom on the basis of the compromise dated 29.12.2021 (Annexure P-2).

On 17.03.2022, this Court had passed the following order:-

"Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0164 dated 01.06.2021, under Sections 342, 323, 506 IPC registered at Police Station Kamboj, District Amritsar Rural and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. Rehat Bir Singh Mann, DAG, Punjab and Mr. Harmandeep Singh, Advocate accepts notice on behalf of respondents No.1/State and 2 respectively.

Parties may appear before concerned Illaqa Magistrate/trial Court on 04.04.2022 or on any other

date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its 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 25.07.2022. ”

Pursuant to the aforesaid order, report dated 15.07.2022 has been received from the Chief Judicial Magistrate, Amritsar. The relevant paragraph of the said report is as under:-

“ASI Vijay Kumar has made statement that he is Investigating Officer in FIR No. 0164 dated 01.06.2021, under Sections 342, 323, 506 of IPC, Police Station Kamboj, Amritsar. There is only one accused namely Kulbir Singh who has been arrested in the present case and released on bail in the police station. Neither accused Kulbir Singh has been declared as proclaimed offender nor involved in any other criminal activities except the present case. There is only one complainant namely Gurpreet Kaur in the present FIR. The matter is still under investigation and final report has not been presented in the Court so far.

- i. That the present case was got registered by complainant Gurpreet Kaur against accused Kulbir Singh. Complainant and the above named accused appeared in the Court and have got recorded their statements regarding compromise.*
- ii. That as per the statements of the parties and the Investigating Officer, only one accused namely Kulbir*

Singh is involved in this case who is on police bail in this case.

iii. That as per the statement of Investigating Officer the accused has not been declared as proclaimed offender nor involved in any other criminal activities except the present case.

iv. That there is only one complainant/victim namely Gurpreet Kaur.

v. that the case is still at investigation stage and the accused was arrested by the police and released on bail. The challan has not been presented in this case.

vi. 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.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there is only one accused namely Kulbir Singh and the compromise effected between the parties is voluntary and has been arrived at between them without any kind of threat, fear or pressure. It is also stated in the report that the petitioner on police bail and no other proceedings are pending against him.

I have heard learned counsel for the parties.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.0164 dated 01.06.2021, under Sections 342, 323, 506 IPC,

registered at Police Station Kamboj, District Amritsar Rural and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

25.08.2022
preeti

(AMAN CHAUDHARY)
JUDGE

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