

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

314

CRM M-11594 of 2022
Date of Decision: July 28, 2022

Narinder Singh & ors.

...Petitioners

Vs.

State of Punjab & another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Shivender, Advocate for
Mr. B.S.Bhalla, Advocate
for the petitioners.

Mr. Sukhbeer Singh, Asst. A.G., Punjab.

Mr. Amarjot Kaur, Advocate
for respondent No.2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.32 dated 10.02.2022 registered under Sections 323/325/506/34 of the Indian Penal Code, 1860 at Police Station Ajnala, District Amritsar (Rural) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.03.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.32 dated 10.02.2022, under Sections 323, 325, 506 and 34 IPC registered at Police Station Ajnala, District Amritsar, Rural and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

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

Parties may appear before concerned Illaqa Magistrate/trial Court on 20.04.2022 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 28.07.2022.”

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

“From the perusal of statement of parties, it transpires that the matter has been compromised with the free and voluntary consent of complainant Mohan Singh and the accused persons namely Narinder Singh, Kashmir Singh, Sukhwinder Singh and Shiba Singh and the accused persons are not involved in any other case. Furthermore, as per statement of ASI Ranjit Singh no.116, there are four accused persons namely Narinder Singh, Kashmir Singh, Sukhwinder Singh and Shiba Singh and they have not been declared as P.O till date and there is

only one aggrieved party namely complainant Mohan Singh son of Pal Singh. As per statement of ASI Ranjit Singh, both parties have entered into compromise.

Report is submitted as desired, please.

Encls:

*1. Statement of the complainant
Mohan Singh,*

Yours faithfully,

(Prabhjot Kaur), PCS,

*2. Statement of the accused
Narinder Singh, Kashmir Singh,
Sukhwinder Singh, Shiba Singh.
3. Statement of ASI Ranjit Singh.*

*Sub Divisional Judicial Magistrate,
Ajnala/UID No:PB0363.*

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 offenders 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 No.2 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.32 dated 10.02.2022 registered under Sections 323/325/506/34 of the Indian Penal Code, 1860 at Police Station Ajnala, District Amritsar (Rural) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

July 28, 2022
amit rana

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No