

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13274-2021
Decided on : 23.05.2022

Malkeet Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sandeep Kumar Bokolia, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Kushagra Mahajan, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 109 dated 15.08.2020 under Sections 307, 452, 324, 323, 427, 148 and 149 of the Indian Penal Code, 1860 (Sections 307, 452 IPC have been deleted and Sections 326 and 325 have been added later on vide GD No.35 dated 22.12.2020 registered at Police Station Sadar Kotakpura, District Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

*“The matter has been taken up through
video conferencing.*

Notice of motion.

Mr. S.S. Deol, DAG, Punjab and Mr.Kushagra Mahajan, Advocate accept notice on behalf of respondent No.1 and respondents No.2 & 3 respectively.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of FIR No.109 dated 15.08.2020 under Sections 307, 452, 324, 323, 427, 148, 149 IPC (Sections 307, 452 IPC removed and Sections 326, 325 IPC added later on) registered at Police Station Kotkapura, district Faridkot on the strength of a written compromise dated 01.03.2021 (Annexure P-2) entered into between the parties.

The petitioners as also respondents No.2 and 3 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 06.04.2021 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is

there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/ Trial Court adjourned to 19.05.2021.

23.03.2021
Sd/-
(DEEPAK SIBAL)
JUDGE”

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

“In compliance, statements of petitioners/accused namely Malkeet Singh, Rana Singh @Darshan Singh, Babbu Singh, Sandeep Singh, Harjinder Singh, Pritpal Singh, Akashdeep Singh (minor) through his father Joga Singh @ Sukhdev Singh, Resham Singh @ Ramesh Singh, Gurpreet Singh as well as respondent No.2 complainant Kala Singh and respondent No.3 Balwinder Singh, on the identification of their respective counsels, have been recorded, whereby both the parties have admitted the effectiveness of compromise Ex. CX among themselves. They also made the statements regarding the genuineness, validness and voluntariness of the compromise. They further stated that all the petitioners/ accused are party to the compromise and none of the petitioners accused has ever been declared proclaimed offender(s) and no other criminal case is pending against the petitioners/ accused. They further stated that they have no objection if FIR of present case be quashed.

Statement of ASI Baldev Singh, who is Investigating Officer of this case, has also been recorded. During his statement, ASI Baldev Singh has stated that he is investigating officer of this case and nine persons namely Malkeet Singh, Rana Singh @ Darshan Singh, Babbu Singh, Sandeep Singh, Harjinder Singh, Pritpal Singh, Akashdeep Singh, Resham Singh @ Ramesh Singh and Gurpreet Singh are arrayed as accused in this FIR and none of the accused/ petitioners has ever been declared proclaimed offender(s) and no other criminal case is pending against the accused/ petitioners.

Ahlmad has also made report that there are nine accused in this case as per office record, namely Malkeet Singh, Rana Singh @ Darshan Singh, Babbu Singh, Sandeep Singh, Harjinder Singh, Pritpal Singh, Akashdeep Singh (minor), Resham Singh @ Ramesh Singh and Gurpreet Singh and none of the accused/ petitioners have ever been declared proclaimed offender(s) and no other criminal case is pending against accused/ petitioners.

From the above statements and reports, undersigned is of the opinion that parties have voluntarily entered into compromise and the compromise between the parties is genuine and valid and none of the accused/ petitioners have ever been declared proclaimed offenders) and no other criminal case is pending against the petitioners/accused.

Hence, report along with statements of the parties, is submitted please”

A perusal of the above report would show that the statements of both the parties 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 Nos. 2 and 3 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. 109 dated 15.08.2020 under Sections

307, 452, 324, 323, 427, 148 and 149 of the Indian Penal Code, 1860 (Sections 307, 452 IPC have been deleted and Sections 326 and 325 have been added later on vide GD No.35 dated 22.12.2020) registered at Police Station Sadar Kotakpura, District Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 23rd, 2022
Mehak

(VIKAS BAHL)
JUDGE

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