

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-12420-2021

Decided on : 05.08.2022

Sukhdev Singh @ Sukhi and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPRESENT: Mr. Sumeet Puri, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Nirmaljeet Singh, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 142 dated 05.06.2020 under Sections 326, 323, 331, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Lehra, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 05.04.2021, a coordinate Bench of this Court was pleased to pass the following order:-

*“Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.142 dated 05.06.2020, registered under Sections 326, 323, 331, 148 & 149 IPC at Police Station Lehra, District Sangrur, along with all consequential proceedings emanating therefrom, on the basis of compromise (Annexure P/2) dated 22.12.2020 as well as the Full Bench decision of this Court in **‘Kulwinder Singh and others versus State of Punjab***

and another, 2007 (3) RCR (Criminal) 1052.

Notice of motion.

Mr. V.G. Jauhar, learned Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and states that he does not wish to file reply in view of amicable settlement of the dispute amongst the parties vide compromise (Annexure P/2) dated 22.12.2020 as well as the judgment cited by learned counsel for the petitioners.

Mr. Nirmaljeet Singh, learned counsel puts in appearance on behalf of respondent No.2 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of compromise, (Annexure P/2) dated 22.12.2020 as also the judgment cited by learned counsel for the petitioners.

Accordingly, in view of the position as noted above, the parties are directed to put in appearance before the learned Illaqa Magistrate/ Duty Magistrate concerned for recording of their statements in terms of compromise (Annexure P/2) dated 22.12.2020 on 03.05.2021 or any other date thereafter convenient to the learned Illaqa Magistrate/ Duty Magistrate concerned.

Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.

List on 06.07.2021.

Reply, if any, be filed in the meantime.

Sd/-

April 05, 2021

(B. S. Walia)
Judge”

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

“There is only one complainant namely Malkiat Singh son of Balla Singh, resident of Village Bakhora Kalan. Tehsil Lehra, District Sangrur.

It is submitted that after recording all those statements, the report as called from this Court is being submitted as under:

- 1. The compromise appears to be genuine and voluntarily and without any coercion or undue influence.*
- 2. There is no other person has been nominated as accused in this case.*
- 3. The accused of this case has not been declared Proclaimed Offender.*
- 4. The investigation of this case is still pending and report under Section 173(2) Cr.P.C. is not submitted in the Court.*
- 5. There is no cross-case as per statement of Investigating Officer.”*

A perusal of the above report would show that it has been stated that the statements of the 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 further 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 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 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. 142 dated 05.06.2020 under Sections 326, 323, 331, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Lehra, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

05.08.2022

Mehak

(VIKAS BAHL)
JUDGEWhether reasoned/speaking?
Whether reportable?Yes/No
Yes/No