

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-12467-2021
Decided on : 18.05.2022

Jaswinder Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. A. A. Pathak, Addl. A.G., Punjab.

Mr. Vivek Singla, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 26 dated 31.01.2013 under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Patti, Distict Tarn Taran (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 26.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.26 dated

31.01.2013, registered under Sections 420, 467, 468, 471, 120-B IPC, 1860 at Police Station Patti, District Tarn Taran, along with all consequential proceedings emanating therefrom, on the basis of compromise, Annexure P/2 dated 22.02.2021 as well as the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh Versus State of Punjab 2007(3) RCR (Criminal) 1052.**

Notice of motion.

Mr. Sandeep Singh Deol, 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 22.02.2021 as well as the judgment cited by learned counsel for the petitioners.

Mr. Manjeet Singh Randhawa, learned counsel accepts notice and 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 22.02.2021 as well as 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 22.02.2021 on 19.04.2021 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 18.05.2021.

Reply, if any, be filed in the meantime.

26.03.2021
Sd/-
(B. S. Walia)
Judge”

In pursuance of the above order, a report has been submitted by the Sub Divisional Judicial Magistrate, Patti to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“From the statement of the parties, I am satisfied that a valid and genuine compromise has been effected between the parties as per their statements recorded in the Court. The aforesaid compromise appears to be genuine one and the same has been entered into voluntarily with free will of the parties without any coercion or undue influence or pressure of any kind.

As per the statement of ASI Sukhwinder Singh No.503/T.T., posted at Police Post Sabhran, P.S. Sadar Patti, investigation officer of this case, there are four accused involved in the present case namely Jaswinder Singh, Harjinder Singh, Gurdeep Kaur and Amarjit Singh. Accused Amarjit Singh has nominated as other accused in the present FIR, who has died before presentation of Challan in the present FIR. None of the accused, who are petitioners before Hon'ble

Punjab & Haryana High Court has been declared proclaimed offender till date in the present FIR. Challan in the present case has already been presented. No cross case is pending in the present FIR till date.

The report is submitted accordingly along with original statements of parties and original statement of ASI Sukhwinder Singh.”

A perusal of the above report would show 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. 26 dated 31.01.2013 under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Patti, Distict Tarn Taran (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 18th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No