

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264-A

CRM-M-11852-2022
Decided on : 25.04.2022

Karan Dhir and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vikasdeep Singh, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondent No. 2 .

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of cross-case registered vide DDR No. 25 dated 19.07.2018 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-2) in FIR No. 221 dated 18.07.2018 under Sections 323, 324, 341, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

On 22.03.2022; this Court was pleased to pass the following order:

“This is a petition filed under Section 482 Cr.P.C. for quashing of cross-case registered vide DDR No. 25 dated 19.07.2018 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-2) in FIR No.221 dated 18.07.2018 registered under Sections 323/324/341/148/149 of the Indian Penal Code, 1860 at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 25.04.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vikas Gupta, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi to the Superintendent Criminal of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“(i) As per statement of investigating officer, five persons namely Suraj Dhir son of Tirath Dhir, Karan Dhir son of Madan Mohan. Rajat Bhagi (a Raja son of Sham Sunder, Ashu @ Yashpal son of Om Parkash and Ansh @ Ansh Dhir son of Raj Kumar, have been arrayed as accused in the present FIR.

(ii) As per statement of investigating officer, none of the petitioners/accused have been declared as proclaimed person nor any other proceedings is pending in the present case against petitioners/accused.

(iii) In the light of statements suffered by appearing parties, it appears that appearing parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat. pressure or undue influence etc, in any manner.

(iv) As per statement of investigating officer, petitioner accused Karan Dhir son of Madan Mohan is involved in FIR No.235 dated 25.09.2019. under Section 354 34 IPC, PS Sultanpur Lodhi, FIR No.58 dated 18.03.2020, Under Section 307/379-B/427 IPC, PS Sultanpur Lodhi. Petitioners/accused Rajat Bhagi @ Raja son of Sham Sunder, Ashu @Yashpal son of Om Parkash and Ansh @ Ansi Dhir are not involved in any other case.

(v) As per statement of investigating officer, one person namely Kartik son of Raj Kumar, resident of Mohalla Saidan, Sultanpur Lodhi. District Kapurthala, is the only aggrieved complainant in the present case.

Certified copies of statements of appearing parties, recorded in this Court, are being sent herewith through the office of Ld. District & Sessions Judge, Kapurthala. The report is accordingly submitted before the Hon'ble High Court for kind perusal, please.

Thanking you,"

A perusal of the said 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 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.

As per the above-reproduced report, there are five accused persons in the present case and the present petition has been filed by four accused and a prayer has been made by counsel for the petitioners as well as counsel for the complainant that the FIR be quashed qua the petitioners.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others** in which

case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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 bring out peace and amity between the 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**”, 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 cross-case registered vide DDR No. 25 dated 19.07.2018 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-2) in FIR No. 221 dated 18.07.2018 under Sections 323, 324, 341, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the present petitioners.

(VIKAS BAHL)
JUDGE

April 25th, 2022
Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No