

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-12220-2022
Decided on : 19.04.2022

Arshdeep Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Mukesh Kumar Bhatnagar, Advocate for
Mr. B. D. Sharma, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Lalit Chander Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 12 dated 29.01.2020 under Sections 306, 116 and 506 of the
Indian Penal Code, 1860 registered at Police Station Jhabal, District Tarn
Taran (Annexure P-1) and all subsequent proceedings arising on the basis
of the compromise.

On 23.03.2022, this Court was pleased to pass the following
order:-

*“This is a petition filed under Section 482 Cr.P.C.
for quashing of FIR No.12 dated 29.01.2020 registered
under Sections 306/116/506 of the Indian Penal Code,
1860 at Police Station Jhabal, District Tarn Taran
(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 19.04.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Lalit Chander Sharma, 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 Additional Chief Judicial Magistrate, Tarn Taran to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“From the statements of the parties to the petition and Investigating Officer, the report is accordingly submitted as under:

1. *As per the statement of Investigating Officer, there are four persons, namely, Arshdeep Singh, Davinder Singh @ Mehnga Singh, Anoop Singh and Surinder Singh @ Sawinder Singh @ Bal are arrayed as accused in the FIR in question.*
2. *As per the statement of Investigating Officer, the accused have not been declared Proclaimed Offender.*
3. *As per the statement of Investigating Officer and parties to the petition, I am satisfied that the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.*
4. *As per the statement of Investigating Officer, the accused persons are not involved in any other case.*
5. *As per the statement of Investigating Officer, there is only one victim/complainant in the FIR in question.*

Report is accordingly submitted to your good self for your kind information.

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.

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, 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. Moreover, in the present case, no suicide has actually been committed and thus, there is no embargo in quashing of the present FIR solely on the basis of compromise.

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. 12 dated 29.01.2020 under Sections 306, 116 and 506 of the Indian Penal Code, 1860 registered at Police Station Jhabal, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 19th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No