

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(268)

CRM-M-12115-2022

Date of decision: - 02.05.2022

Balvir Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Arshdeep Singh Brar, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. C.S. Jattana, Advocate,  
for respondent No.2.

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**VIKAS BAHL, J. (ORAL)**

This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.41 dated 14.05.2019 registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 at Police Station Sadar Moga, District Moga (Annexure P-1) as well as the order dated 18.02.2021 (Anenxure P-3), passed by the Court of Additional Chief Judicial Magistrate, Moga, declaring the petitioner as proclaimed absconder and all the subsequent proceedings arising therefrom on the basis of compromise.

On 24.03.2022, this Court was pleased to pass the following order:-

*“This is second petition filed under Section 482 Cr.P.C. for*

*quashing of FIR No.41 dated 14.05.2019 registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 at Police Station Sadar Moga, District Moga (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 02.05.2022.*

*On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. C.S. Jattana, 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 one month.*

*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, the report has been submitted by the Additional Chief Judicial Magistrate, Moga, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

*“On the basis of the statements referred supra, following point wise report is submitted as desired:*

- 1. From the statements of the parties and report under Section 173 Cr.P.C and statement of IO Balwinder Singh, it is clear that there are three accused namely Balvir Singh, Rupinder Kaur and*

*Gurbax Kaur,*

2. *As per the report under Section 173(8) submitted qua accused Rupinder Kaur and Gurbax Kaur these accused were declared proclaimed absconders on 18.02.2021 by the court of Shri Bikramjit Singh, the then Additional Chief Judicial Magistrate. Moga*

3. *It can be culled from the statements of the parties that the compromise arrived at between the parties is genuine, voluntary and without any pressure, coercion or undue influence from any quarter and out of free will of the parties.*

4. *From the statement of complainant and accused and statement of the Investigating Officer, these accused are not involved in any other case.*

5. *As per the statement of the IO Balwinder Singh, there is only one complainant/victim Jaspreet Singh son of Rajinder Singh resident of Patti Usaha, Daroli Bhai in this case. There is no other complainant or victim in this case.*

*Kindly find enclosed herewith original statements of the parties for your honour's kind perusal.*

*Submitted please.*

*Yours faithfully,*

*(Amandeep Kaur Chahal)*

*Additional Chief Judicial Magistrate.*

*Moga.”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, without any coercion or undue influence.

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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant/injured. 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, this petition is allowed and FIR No.41 dated 14.05.2019 registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 at Police Station Sadar Moga, District Moga (Annexure P-1) and all the subsequent proceedings emanating therefrom including the order dated 18.02.2021 (Anenxure P-3), passed by the Court of Additional Chief Judicial Magistrate, Moga, declaring the petitioner as proclaimed absconder, are ordered to be quashed/set aside, qua the petitioner.

**May 02, 2022**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No