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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-14302-2022

Date of decision : 06.07.2022

Rajesh Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Piyush Sharma, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Aayush Goyal, Advocate for respondent Nos.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.134 dated 06.10.2021 registered under Sections 307, 323, 450, 427, 148, 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Kulgarhi, District Ferozepur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.05.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.134 dated 06.10.2021 registered under Sections 307, 323, 450, 427, 148, 149 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station Kulgari, District Ferozepur

(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 06.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Lovish Rattan, Advocate for Mr. Aayush Goyal, Advocate appears on behalf of respondent No.2.

Learned State Counsel has filed an affidavit of Deputy Superintendent of Police (Rural) Ferozepur, alongwith copy of MLR. The same are taken on record. He has further submitted that the injuries which have been suffered by respondent No.2 are simple in nature.

Learned counsel for the petitioners and respondent No.2 have jointly submitted that in the said background, offence under Section 307 of IPC is not made out.

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 abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Ferozepur. The relevant portion of the said report is reproduced hereinbelow:-

“5. All the accused and the complainant have compromised the matter.

1. As per Challan above mentioned five accused persons has been arrayed as accused in the present FIR.

2. None of the above mentioned accused/petitioners ever being declared proclaimed offender in this case.

3. Compromise is Genuine, Voluntary and without any coercion or undue influence.

4. The above mentioned accused/petitioners are not involve in any other FIR.

5. As per the statement of ASI Kulwant Singh investigating officer there is only one complainant/victim Harish Kumar in the present FIR.

The compliance report along with statements of parties recorded by the undersigned is submitted herewith for onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh.

Submitted please.

Yours faithfully

(Mandeep Kaur) PCS

Judicial Magistrate Ist Class,

Ferozepur UID No.PB0659

15.06.2022”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It

has been stated that the statements of the complainant as well as the accused 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.

Although, as per the said report, it has been stated that there is only one complainant/victim namely Harish Kumar but as has been stated in the present petition, there is one complainant (victim)-Harish Kumar and there are two other victims also i.e. Anil Kumar and Balwinder Kumar. A perusal of the statement annexed alongwith the report would show that joint statement of Harish Kumar, Anil Kumar and Balwinder Kumar has been recorded on 01.06.2022 in support of the compromise which has also been signed by the said persons.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent Nos.2 to 4 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, this Court finds that the matter has been amicably settled between

the petitioner 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**”, reported as **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**”, reported as **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.134 dated 06.10.2021 registered under Sections 307, 323, 450, 427, 148, 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Kulgarhi, District Ferozepur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

06.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No