

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.268

CRM-M-13672-2021

Date of Decision: September 12, 2022

Harpreet Singh @ Motta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Manoj R. Sharma, Advocate for
Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Davinder Kumar, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0063, dated 26.05.2019, under Sections 457, 380 and 411 of the IPC, registered at Police Station Sadar Bathinda, District Bathinda, and all other consequential proceedings arising therefrom on the basis of the compromise affidavit dated 02.07.2019 (Annexure P-2).

On 24.03.2021, this Court had passed the following order:-

“This petition filed under Section 482 Cr.P.C. seeks quashing of F.I.R No.0063, dated 26.05.2019, under Sections 457, 380, 411 of IPC, registered at Police Station Sadar Bathinda, District Bathinda (Annexure P1), and all subsequent proceedings arising therefrom on the basis of compromise.

[2]. Ld. counsel for the petitioner refers to Affidavit (Annexure P2), and states that the matter has been amicably settled between the parties.

[3]. Notice of motion.

[4]. Mr. Amit Mehta, Sr. D.A.G., Punjab to accept notice on behalf of respondent No.1.

[5]. At this stage, Mr. Davinder Kumar, Advocate has put in appearance and filed his Power of Attorney on behalf of respondent No.2- complainant and admits the factum of compromise.

[6]. Let requisite number of copies of the Paper-book be supplied to both the counsel.

[7]. In view of the matter, the parties shall appear before the Trial Court/Illaqa Magistrate on 19.04.2021, for getting their statements recorded with regard to the compromise arrived at him. Ld. Trial Court/Illaqa Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused have been declared proclaimed offender in the case.

[8]. List on 14.07.2021. ”

Pursuant to the aforesaid order, report dated 19.04.2021 has been received from the Judicial Magistrate 1st Class, Bathinda(Duty). The relevant portion of the said report is as under:-

*“In the given circumstances and from the above statements recorded today, this Court is satisfied that the parties have recorded their statements before the Court voluntarily and without any pressure and that **they have entered into the compromise voluntarily and without any pressure or coercion of any manner and the compromise is genuine and the accused has not been declared as proclaimed offender in this case and there is only one accused in this***

case.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there is only accused person and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and no other case is pending against the petitioner except present case.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.0063, dated 26.05.2019, under Sections 457, 380 and 411 of the IPC, registered at Police Station Sadar Bathinda, District Bathinda, and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

September 12, 2022

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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No