

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-11450-2020
Decided on : 18.05.2022

Narinder Singh @ Rocky and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Jaswinder Rana, Advocate for
Mr. Deepinder Brar, Advocate
for the petitioners.

Mr. A. A. Pathak, Addl. A.G., Punjab.

Mr. Navraj Singh, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 363 dated 31.10.2018 under Sections 365, 323, 341, 506, 427, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Sahnewal, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

On 15.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:

“Learned counsel for the petitioners, as also for respondents no.2 and 3, both submit that one more opportunity may be granted for the statement of the

parties to be recorded before the learned Area Magistrate/trial court in terms of the order of this court dated 21.12.2020.

Hearing in the matter is adjourned to 06.04.2021.

The petitioners, as also respondents no.2 and 3, would appear before the learned Area Magistrate/trial court up to 18.03.2021, to record their statements in terms of the compromise reached between them if they wish to, after which a report in terms of the aforesaid order of this court would be sent by that court, before the next date of hearing.

15.02.2021 Sd/-
(AMOL RATTAN SINGH)
JUDGE”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Ludhiana to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As per the instructions of Hon'ble Punjab & Haryana High Court, statements of complainants Anish Kumar, Rakesh Kumar and accused Narinder Singh Rocky. Jagdish Kharvar, Jagpreet Singh Binny and Shiv Kumar @ Shivram were recorded by the undersigned. All the parties have echoed the version of having arrived at voluntary compromise with free will without any pressure, coercion or undue influence. Complainants Anish Kumar @Nanna and Rakesh Kumar even mentioned in their joint statement that they have no objection if FIR in question is quashed by Hon'ble High Court. The original statements of the parties recorded by the undersigned are being sent herewith.

Investigating officer SI Joginder Singh of the present case appeared before the court and suffered a

statement that present case is registered against several accused including four accused persons namely Narinder Singh @ Rocky, Jagdish Kharvar, Jagpreet Singh @ Binny and Shiv Kumar @ Shivram. He stated that accused namely Sukha, Bhinda, Mony and others are also nominated as accused in the present case but their father's name and addresses have not been disclosed by the complainant because of which their names have only been mentioned in serial no. 2 of challan and only two complainants namely Anish Kumar and Rakesh Kumar are involved in the present case. He further stated that there is no other aggrieved person involved in this case.

On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties. Further, there is no other person involved in the occurrence, who is not a party to the petition pending before Hon'ble High Court and whose consent for the compromise is required.

With these submissions, the report with regard to the compromise is being submitted accordingly for the kind perusal of the Hon'ble High Court.

Accordingly report is being submitted please.

Thanking you,"

A perusal of the said report would show that it has been stated that the statements of the complainants 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 complainants have been made voluntarily without any fear, coercion or pressure.

As per the above-reproduced report, there are other accused also in addition to the present four petitioners but the compromise has been effected with the present petitioners and a prayer has been made by counsel for the petitioners as well as the counsel for respondent Nos. 2 and 3 that the FIR be quashed qua the present 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 Nos. 2 and 3 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 FIR No. 363 dated 31.10.2018 under Sections 365, 323, 341, 506, 427, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Sahnewal, Police Commissionerate Ludhiana, District Ludhiana (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

May 18th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No