

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRM-M-18676-2018
Decided on : 28.03.2022

Jeet Singh @ Ajit Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vishal Singh, Advocate for
Mr. Sanjeev Kumar, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 141 dated 28.09.2016 under Section 420 of the Indian Penal
Code, 1860 registered at Police Station Nehianwala, District Bathinda
(Annexure P-1) and all subsequent proceedings arising on the basis of
the compromise.

When the matter came up before a coordinate Bench of this
Court on 22.01.2020, the following order was passed:-

*“Present petition is for quashing of FIR No.141
dated 28.09.2016 under Section 420 IPC, registered at
Police Station Nehianwala, District Bathinda, on the
basis of compromise.*

Learned counsel for respondent No.2 affirms the

factum of compromise.

Let the parties appear before the trial Court/Area Judicial Magistrate on 31.01.2020 for getting their statements recorded with regard to the compromise. The learned trial Court is directed (i) to indicate how many total accused are facing the trial, (ii) whether any of the accused was declared proclaimed offender at any stage of trial (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 04.03.2020.

22.01.2020
komal

(SUVIR SEHGAL)
JUDGE ”

Subsequently, on 04.03.2020, the following order was passed:-

“Learned counsel for the petitioner and respondent No.2 submits that due to miscommunication the parties could not appear before the trial Court and prays for one more opportunity to appear before the trial Court/ Area Magistrate for recording their statements.

Let the parties appear before the trial Court/Area Magistrate 30.03.2020 for getting their statements recorded with regard to the compromise, in terms of order dated 22.01.2019.

Adjourned to 22.05.2020.

04.03.2020
komal

(SUVIR SEHGAL)
JUDGE ”

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

“5. From the statements of parties my point-wise report is as under:

- i) As per statement of complainant and ASI Harbans Singh, investigating officer of the present case, there is only one person namely Jeet Singh @ Ajit Singh S/o Balwant Singh. R/o Malout, District Sri Muktsar Sahib arrayed as accused in this FIR No.141 dated 28.09.2016.*
- ii) As per statement of ASI Harbans Singh, investigating officer of the present case, no accused is declared proclaimed offender in this case at any stage of trial/investigation*
- iii) As per statement of ASI Harbans Singh, investigating officer of the present case, challan has not been presented in the Court till today. The case is at stage of investigation.*
- iv) From the statement of the complainant Ajaib Singh and accused Jeet Singh @Ajit Singh, the compromise is genuine, valid, voluntary and without any coercion or undue influence. However, no copy of compromise is produced before this Court and as per statement of complainant and accused Jeet Singh @ Ajit Singh original compromise has been produced before the*

Hon'ble High Court and they are not in possession of copy of said compromise.

6. Report is submitted for his lordship's kind perusal please."

A perusal of the said report would show that 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.

Learned counsel for the petitioner has submitted that the petitioner was never declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the said fact is 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 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”, 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. 141 dated 28.09.2016 under Section 420 of the Indian Penal Code,1860 registered at Police Station Nehianwala, District Bathinda (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

March 28th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No