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

CRM-M-14222-2021

Date of decision : 04.08.2022

GURCHARAN SINGH @ HIRA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.158 dated 19.06.2020 registered under Sections 379-B, 511, 341, 295, 323 and 34 of the Indian Penal Code, 1860 at Police Station B-Division, Amritsar City, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 26.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition filed under Section 482 Cr.P.C. seeks quashing of F.I.R No.158, dated 19.06.2020, under Sections 379-B, 511, 341, 295, 323 and 34 of IPC, 1860, registered at Police Station B-Division, Amritsar City District Amritsar (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise.

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

[3]. Notice of motion.

[4]. Mr. Sandeep Kumar, D.A.G., Punjab to accept notice on behalf of respondent No.1. Let a copy of the Paper-book be supplied to him.

[5]. There is no representation on behalf of respondent No.2. Still, at the own risk of petitioner, in view of the Compromise of respondent No.2, (Annexure P-2), the parties shall appear before the Trial Court/Illaq Magistrate on 23.04.2021, for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq 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 has been declared proclaimed offender in the case.

[6]. List on 06.07.2021.

Sd/-(SUDIP AHLUWALIA)

JUDGE

26.03.2021 ”

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

“On appearance, statement of complainant Nirmal Singh on submitting his identify proof Le. Adhar Card was recorded on 23.04.2021 and of accused Gurcharan Singh @

Hira on identification of his counsel were recorded on 23.04.2021. Complainant stated that he has compromised with the accused without any pressure, threat or undue influence and also the accused Gurcharan Singh @ Hira stated that he has compromised with the complainant without any pressure, threat, duress, or influence.

IO/ASI Jagdish Kumar has suffered the statement that there are only one accused namely Gurcharan Singh @ Hira arrayed in the case FIR No.158/19.06.2020, under Sections 379-B, 511, 341, 295, 323 & 34 of IPC, PS B-Division, Amritsar who has never been declared proclaimed offender by any of the Court till date as per record and no other case is pending against him in this police station except the present case FIR.

From the statements, it appears that complainant and accused/petitioner have compromised the matter without any pressure, duress, inducement and threat of any kind from any corner voluntarily with their free will.

Submitted please.

Encls: Statement of complainant

Statement of accused

Photocopy of statement of IO

*Sd/- Sumukhi/PCS,
Judicial Magistrate Ist Class,
Amritsar.
UID No. PB0379”*

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.

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

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.158 dated 19.06.2020 registered under Sections 379-B, 511, 341, 295, 323 and 34 of the Indian Penal Code, 1860 at Police Station B-Division, Amritsar City, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

04.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No