

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRM-M-14126-2021
Decided on : 28.03.2022

Gurmej Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Shubham Goyal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 19 dated 26.03.2017 under Sections 326, 324, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Mamdot, District Ferozepur (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 26.03.2021, the following order was passed:-

“Prayer in this petition is for quashing of FIR No.19 dated 26.03.2017 (Annexure P-1) registered under Sections 326, 324, 323, 148 and 149 of Indian Penal Code, 1860 at Police Station City Mamdot, District Ferozepur, alongwith all

consequential proceedings arising therefrom, on the basis of the compromise dated 19.03.2021 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners submits that FIR is an outcome of the petty dispute between the parties over the agricultural land which has been settled by virtue of compromise (Annexure P-2). He has referred to para 8 of the petition to submit that none of the petitioners have been declared as Proclaimed Offender by any Court.

Notice of motion.

On asking of the Court, Mr. Jagmohan Singh Ghumman, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1 and Mr.Nitin Sherwal, Advocate, appears on behalf of respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Duty Magistrate/Illaq Magistrate on 03.05.2021 for getting their statements recorded with regard to the compromise. The Duty Magistrate/Illaq Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements*

in support of the compromise;

- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Duty Magistrate/Illaq Magistrate be awaited for 12.08.2021.”

March 26, 2021
savita

(SUVIR SEHGAL)
JUDGE”

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

“AS per the statements given by parties, there are six accused. namely, Gurmej Singh son of Banta Singh and Surjit Singh son of Gurmej Singh, Hardip Singh son of Budh Singh, Baldev Singh son of Sucha Singh, Gian Kaur @ Giano wife of Charan Singh, Channaa Singh @ Charan Singh son of Sajwar Singh. There is no other accused except the aforesaid nominated by the police in this case. Similarly, no person has been declared proclaimed offender by the police.

Complainant namely Sucha Singh son of Narain Singh, aged about 72 years, resident of village Pojo Ke Uttar, Mamdot, Tehsil and District Ferozepur has appeared and made his statement in support of compromise.

The present case is pending for appearance of accused.

Both the complainants/injured and accused have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been affected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.

No other criminal case except the present case has been registered against the accused. In the present case, cross-case has been registered against the Sucha Singh etc., which was compounded by this court.

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.”

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 petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the said fact is 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 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. 19 dated 26.03.2017 under Sections 326, 324, 323, 148 and 149 of the Indian Penal Code,1860 registered at Police Station City Mamdot, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

March 28th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No