

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

CRM-M-14366-2021

Date of decision: 25.08.2022

Kashmir Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Shubham Goyal, Advocate, for the petitioners.

Mr. J.S. Mehndiratta, Addl. AG, Punjab.

Mr. Piyush Setia, Advocate, for respondents No. 2 and 3.

AMAN CHAUDHARY, J. (ORAL)

Present petition has been filed for quashing of FIR No. 192 dated 19.12.2020, under Sections 324, 323, 148, 149 of IPC (Section 326 added later on vide DDR No. 23 dated 07.01.2021), registered at Police Station Kulgari, District Ferozepur (Annexure P-1), and all other consequential proceedings arising therefrom on the basis of the compromise dated 08.03.2021 (Annexure P-3).

On 26.03.2021, this Court had passed the following order:-

“This petition filed under Section 482 Cr. P.C. seeking quashing of FIR No. 192 dated 19.12.2020, under Sections 324, 323, 148, 149 of IPC (Section 326 added later on vide DDR No. 23 dated 07.01.2021) registered at Police Station Kulgari, District Ferozepur (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise.

[2] Learned counsel fro the petitioners refers to Compromise (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 Nos. 2 & 3. Still, at the own risk of petitioner, in view of the Compromise of respondent Nos. 2 & 3, (Annexure P-2), the parties shall appear before the Trial Court/Illaq Magistrate on 27.04.2021, 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.*

[6] *To await report.*

[7] *List on 12.07.2021. ”*

Pursuant to the aforesaid order, report dated 28.05.2021 has been received from the Judicial Magistrate Ist Class, Ferozepur. The relevant paragraph of the said report is as under:-

“ASI Mukhtiar Singh stated in his statement that he is Investigating Office of the aforesaid FIR, which has been registered on the statement of the complainant Tarsem Singh, aged about 62 years son of Harbans Singh (2) Jasbir Singh, aged about 40 years son of Tarsem Singh, both residents of village Fattu Wala, Tehsil and District Ferozepur against the above named accused-petitioners. That none of the above mentioned accused have been declared proclaimed offender in this case.

As per the statements given by the parties, there are five accused namely Kashmir Singh, Jaspal Singh, Daljit

Singh, Lovepreet Singh and Rashpal Singh and 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.

Both the complainants/injured and accused have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure and 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.”

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 are five accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any inducement, threat, pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and no other case has been registered against the accused persons except the FIR in question.

I have heard learned counsel for the parties.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainants. 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. 192 dated 19.12.2020, under Sections 324, 323, 148, 149 of IPC (Section 326 added later on vide DDR No. 23 dated 07.01.2021),

registered at Police Station Kulgari, District Ferozepur (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

25.08.2022
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(AMAN CHAUDHARY)
JUDGE

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