

233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11119 of 2019 (O&M)

Date of Decision: 26.08.2022.

Sukhjinder Singh and others

... Petitioners

Vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.A.P.S. Rehan, Advocate for
Mr. N.K. Awasthi, Advocate
for the petitioners.

Mr. Kamal Preet Singh Bawa, Addl.AG., Punjab.

Mr. R.S. Sidhu, Advocate
for respondents No.2 and 3.

AMAN CHAUDHARY, J. (ORAL)

Present petition has been filed for quashing of cross version dated 06.10.2018, under Sections 324, 326, 148, 149 of Indian Penal Code, 1860 of FIR No.250 dated 04.10.2018, under Sections 324, 323, 506, 148, 149 (Section 326 added later on), Indian Penal Code, 1860, Police Station Sadar Tarn Taran and all other consequential proceedings arising therefrom on the basis of the compromise effected between the parties.

On 11.03.2019, this Court had passed the following order:-

*“The present petition has been filed under Section 482 Cr.P.C. for quashing of cross version dated 6.10.2018 registered under Sections 324, 326, 148, 149 IPC of the FIR No. 250 dated 4.10.2018 under Sections 324, 323, 506, 148, 149 (Section 326 added later on) at Police Station Sadar Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.
Notice of motion.*

On the asking of the Court Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the respondent No.1 and Mr. R.S.Sidhu, Advocate has entered appearance on behalf of the respondents No.2 and 3. Counsel for the petitioner undertakes to supply requisite copy of the paper book to the opposite parties during the course of the day.

To come up on 29.4.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/CJM on 1.4.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Pursuant to the aforesaid order, report dated 24.04.2019 has been received from the Additional Chief Judicial Magistrate, Tarn Taran.

The relevant part of the said report is as under:

“It is stated in the said report that statements with regard to compromise, I have the honour to submit that the parties i.e., accused Sukhjinder Singh son of Pritam Singh, Harpal Singh @ Bholu son of Puran Singh, Balraj Singh @ Balla son of Harcharan Singh, Sukhchain Singh @ Chaina son of Aageyapal Singh, Gurpreet Singh @ Messi son of Major Singh, Jasbir Singh @ Jaswant Singh @ Jass son of Balwant Singh, Kaptan Singh @ Guda son of Major Singh, Baljinder Singh son of Najar Singh, all residents of village Bakipur, Tehsil & District Tarn Taran (petitioners before the Hon;ble High Court) and complainant Balkar Singh son of Puran Singh, resident of village Bakipur, Tehsil & District Tarn Taran and injured Iqbal Singh son of Mukhtiar Singh, resident of village Bakipur, Tehsil & District Tarn Taran at whose instance cross version dated 06.10.2018 registered under Sections 324, 326, 148, 149 of the IPC of FIR No.250 dated 04.10.2018 under Sections 323, 324, 506, 148, 149 (Section 326 added later on) of the IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran appeared before me on 03.04.2019. Accordingly, statements of complainant Balkar Singh son of Puran Singh, resident of village Bakipur, Tehsil & District Tarn Taran and injured Iqbal Singh son of

Mukhtiar Singh, resident of village Bakipur, Tehsil & District Tarn Taran have been recorded, wherein they stated that they have voluntarily compromised the matter with the accused without any pressure or influence and stated that they have no objection if the FIR above said, is quashed and accused be acquitted. Similarly, statement of accused above stated (petitioners before the Hon'ble High Court) has also been recorded, wherein they stated that they have heard the statement of the complainant and injured and now they have voluntarily compromised the matter with the complainant party, without any pressure or influence. Cross version dated 06.10.2018 registered under Sections 324, 326, 148, 149 of the IPC of the FIR No.250 dated 04.10.2018 under Section 323, 324, 506, 148, 149 (Section 326 added later on) of the IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran got registered by complainant against them, may kindly be quashed.

ASI Sawinder Singh No.886/TT posted at Police Station Sadar Tarn Taran, District Tarn Taran has also appeared before me on 19.04.2019 and his statement has been recorded regarding PO proceedings in this case FIR, wherein he has stated that none of the accused is declared proclaimed offender in this case.

It is further submitted that from the above statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner and there is no PO proceedings pending against the accused persons.

The report with regard to compromise on the basis of statements of the parties, recorded separately, as directed by the Hon'ble High Court, is accordingly being submitted, for kind perusal.

Submitted please.

Yours faithfully

(Amandeep Kaur)

*Additional Chief Judicial Magistrate
Tarn Taran (UIDNo.PB-0207) ”*

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 the compromise is effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in

the report that no accused has been declared as proclaimed offender in this case and no other person is involved in the occurrence in respect of the FIR in question.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the parties. 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 cross version dated 06.10.2018, under Sections 324, 326, 148, 149 of Indian Penal Code, 1860 of FIR No.250 dated 04.10.2018, under Sections 324, 323, 506, 148, 149 (Section 326 added later on), Indian Penal Code, 1860, Police Station Sadar Tarn Taran and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

26.08.2022
rekha sharma

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*