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

CRM-M-14653-2021

Date of decision : 02.08.2022

Mohinder Pal Gill and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kulwinder Singh, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Bharat Kumar, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.3 dated 19.01.2021 registered under Sections 308, 323, 379, 341, 148, 149 of the Indian Penal Code, 1860 at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 11.07.2022, this Court had passed the following order:-

“Learned counsel for the petitioners has submitted that all the persons concerned are parties to the compromise.

Learned counsel for the petitioners as well as respondents No. 2 and 3 have relied upon the judgment of a coordinate Bench of this Court dated 04.02.2020 passed in CRM-M-48285-2019 titled as Hira Singh and others vs. State of Punjab and another in which case also the FIR has

been registered under Section 308 IPC and the same was quashed on the basis of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 02.08.2022.”

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

“(b). Complainant party Ramandeep and Harman suffered joint statement that:-

"Stated that we have compromised with the all accused in the above said FIR.

- 1. There are total five accused in this FIR.*
- 2. No accused is P.O in this FIR.*
- 3. The compromise is genuine, voluntary and without any coercion or undue influence with free consent. I have no objection if FIR is quashed against all the accused.*

(c) Accused:-

- 1. Mahinder Pal*

2. *Durga @ Maninder Singh*
3. *Billa @ Davinder Kumar*
4. *Surban Ram@ Baba*
5. *Sham Lal*

Suffered joint statement that:

"Stated that we have compromised with opposite party. The compromise is voluntary with free consent.

1. *There are total five accused in this FIR as mentioned above.*
2. *No accused is P.O in this FIR.*
3. *The compromise is voluntary with free consent.*
4. *No other case is pending against the accused except this case."*

(d) ASI Jaspal Singh No.1819/HPR suffered statement that:-

"I am Investigating officer of the present case. The present FIR was registered on the statement of Ramandeep. There is one more victim namely Harman in this case."

I am satisfied that the statement has been made by parties in the Court with free consent voluntarily and without undue influence fear. The original statement of persons as mentioned above is attached alongwith.

Thanking You.

Your faithfully,

Sd/- (Lavdeep Hundal) 27.07.2022

Sub Divisional Judicial Magistrate,

Garhshankar.

UID-PB0309"

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

Learned counsel for respondent Nos.2 and 3 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

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**”, 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.3 dated 19.01.2021 registered under Sections 308, 323, 379, 341, 148, 149 of the Indian Penal Code, 1860 at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

02.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No