

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10736-2020

Date of decision:21.09.2022

Harji Lal (Ram Krishan) and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajit Singh Natt, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.67 dated 27.03.2019 registered under Sections 325, 323 and 34 of the Indian Penal Code, 1860 (Section 308 of IPC has been added later on) at Police Station Sardulgarh, District Mansa (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

On 11.11.2021, this Court was pleased to pass the following order:-

“CRM-37559-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 08.03.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that the matter has been compromised and the statements of the parties have to be recorded.

Notice in the application.

On advance notice, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Amardeep Singh Mann, Advocate appears on behalf of non-applicant-respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 08.03.2022 to today as the matter has been compromised and the statements of the parties are to be recorded.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 08.03.2022 to today and the same is taken on Board today itself.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.67 dated 27.03.2019 registered under Sections 325, 323, and 34 of the Indian Penal Code, 1860 at Police Station Sardulgarh, District Mansa (Annexure P-1) (Section 308 of IPC has been added later on) and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

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

Notice of motion for 17.01.2022.

On asking of the Court, Mr. N.K. Banka, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Amardeep Singh Mann, Advocate appears on behalf of respondent No.2.

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.*

11.11.2021

*(VIKAS BAHL)
JUDGE”*

Additional Sessions Judge, Mansa. The relevant portion of the said report is reproduced hereinbelow:-

“3. It is submitted that Ajay Pal complainant, accused Harji Lal (Ram Krishan) and Sohan Lal appeared in the court on 23.11.2021 and their statements were recorded. Parties have also placed on file photostat copy of Aadhaar card of Ajay Pal complainant and photostat copy of Aadhaar card of accused Harji Lal (Ram Krishan) and Sohan Lal.

From the statements of the parties, it seems that compromise is genuine, voluntary and without any coercion or undue influence.

4. As per statement of ASI Rachpal Singh No.229/Mansa, Investigation Officer, accused Harji Lal (Ram Krishan) and Sohan Lal are not involved in any other FIR.

5. As it is submitted by ASI Rachpal Singh No.229/Mansa, there is only one victim/complainant Ajay Pal in the present case.

Submitted please,

Yours faithfully,

*(Mandip Singh Dhillon)
Addl. Sessions Judge,
Mansa. (UID: PB0115)”*

A perusal of the above said report would show that the petitioners and complainant/respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.67 dated 27.03.2019 registered under Sections 325, 323 and 34 of the Indian Penal Code, 1860 (Section 308 of IPC has been

and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

21.09.2022
Ishwar

(VIKAS BAHL)
JUDGE

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