

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-13360-2022
Decided on : 25.04.2022

Sarwan Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Mohit Jaggi, Advocate for
Mr. Sandeep Godara, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 6 dated 23.02.2022 under Sections 452, 341, 506, 148 and 149 of
the Indian Penal Code, 1860 registered at Police Station Ghuman Kalan,
District Gurdaspur (Annexure P-1) and all subsequent proceedings arising
on the basis of the compromise.

On 30.03.2022, this Court was pleased to pass the following
order:

*“This is a petition filed under Section 482
Cr.P.C. for quashing of FIR No.6 dated
23.02.2022 registered under Sections 452, 341,
506, 148 and 149 of the Indian Penal Code, 1860
at Police Station Ghuman Kalan, District
Gurdaspur (Annexure P-1) and all the subsequent*

proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 25.04.2022.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Sandeep Godara, 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.”*

In pursuance of the said order, a report has been submitted
by the Judicial Magistrate 1st Class, Gurdaspur to the Registrar of this

Court. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance to the aforesaid order dated 30.03.2022 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of undersigned is as follows:

- i. Total nine persons namely Jatinder Singh @ Baja, Bachitar Singh, Khajan Singh, Lovejot Singh @ Lovely, Gurpreet Singh @ Gopi, Kulwinder Singh, Dilbagh Singh, Sarwan Singh and one unknown person have been arrayed as accused in the present FIR.*
- ii. None of the accused persons is declared as proclaimed offender.*
- iii. The compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.*
- iv. Except for the accused/petitioner Jatinder Singh @ Baja, none of the remaining accused persons has been involved in any other FIR. The details of the other FIRs in which accused/petitioner Jatinder Singh @ Baja involved is already furnished above.*
- v. As per the statement of Investigating Officer ASI Kulwinder Singh, there is no other victim/complainant in the present FIR except for the present victim/complainant Rajinder Singh.*

As such, report is submitted accordingly alongwith the statements for the kind

perusal of your goodself.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners have been recorded in the case and they 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 and respondent No. 2 have jointly submitted that in the present case, although, there were 9 accused persons but the present case has been registered by 8 accused persons and the ninth accused person is an unknown person.

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 abovesaid facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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. 6 dated 23.02.2022 under Sections 452, 341, 506, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Ghuman Kalan, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise are ordered to be quashed, qua the petitioners.

April 25th, 2022

Mehak

(VIKAS BAHL)
JUDGE

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