

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14673-2021

Date of decision : 07.07.2022

Jagdish Lal and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Yaseer Sethi, Advocate for
Mr.Manu Loona, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.Puneet Kumar Bansal, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.80 dated 26.05.2018 registered under Sections 324, 323, 34 IPC (Sections 326 and 379 IPC added later on) at Police Station Sadar Fazilka, District Fazilka and all other consequential proceedings arising therefrom on the basis of compromise.

On 01.04.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“Instant petition has been filed under Section 482 Cr.PC for quashing FIR No.80 dated 26.05.2018 registered under Sections 324, 323, 34 IPC (Sections 326/379 IPC added later on) at Police Station Sadar Fazilka District Fazilka (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 22.03.2021.

On a pointed query put to learned counsel for the

petitioners with regard to seat of injury to attract the mischief of Section 326 IPC, he submits that it was on little finger of the hand of the complainant.

Notice of motion.

Mr. P.K.Bansal, Advocate, has put in an appearance on behalf of respondent No.2 and admits the factum of compromise between the parties and also the seat of injury received by the complainant at the hand of the petitioners. He undertakes to file his power of attorney during the course of the day.

Adjourned to 28.05.2021.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial court on 30.04.2021 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:

- i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

(MANJARI NEHRU KAUL)
JUDGE

01.04.2021”

In pursuance to the said order, a report has been submitted by the Additional Chief Judicial Magistrate, Fazilka. The relevant portion of the said report is reproduced hereinbelow:-

“From the statements of complainant Sucha Singh and accused Jagdish Lal @ Jagdish Kumar, Sonu @ Raj Kumar and Sajjan Kamboj as well as the statement of I.O. ASI Harmeet Lal, the report of the undersigned is as under:-

i) That as per the statement of I.O. ASI Harmeet Lal, the name of complainant is Sucha Singh son of Inder Singh and accused namely Jagdish Lal @ Jagdish Kumar, Sonu @ Raj Kumar and Sajan Kamboj have been arrayed as accused in the FIR. All the above named complainant and accused have appeared and made their respective statements in support of the compromise so effected between them.

ii) That as per the statement of I.O., none of the accused has been declared as proclaimed offender in this case.

iii) That as per statement of I.O., challan in this case has already been presented and the same is pending for prosecution evidence.

iv) That the compromise arrived at between the parties is genuine, voluntarily and out of free will.

Original statement of complainant Sucha Singh and accused Jagdish Lal @ Jagdish Kumar, Sonu @ Raj Kumar and Sajan Kamboj and that of I.O. ASI Harmeet Lal are being sent herewith, as desired by the Hon'ble High Court.

Submitted please.

Yours faith fully.

*(Ravinderjit Singh Bajwa),
Addl. Chief Judicial Magistrate.
Fazilka/UID No.PB0231.*

- 1. Statement of complainant.*
- 2. Statement of accused/petitioners*
- 3. Statement of I.O. ASI Harmeet Lal. ”*

A perusal of the above said report would show that the petitioners and respondent no.2 have appeared and have 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 submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in

Learned counsel for respondent no.2 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***”, 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. ”

Keeping in view of the above said facts and circumstances, this petition is allowed and FIR no.80 dated 26.05.2018 registered under Sections 324, 323, 34 IPC (Sections 326 and 379 IPC added later on) at Police Station Sadar Fazilka, District Fazilka and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 07, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No