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

CRM-23744-2022 and  
CRM-23746-2022 in/and  
CRM-M-19744-2017 (O&M)  
Date of decision : 20.07.2022

Surinder Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. G.P.S. Pathania, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Amandeep Singh, Advocate for respondent Nos.2 and 3.

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**VIKAS BAHL, J. (ORAL)**

**CRM-23744-2022**

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

**CRM-23746-2022**

This is an application filed under Section 482 of Cr.P.C. for

preponement of the date of hearing in the main case which is now stated to be listed for 13.09.2022 to an early date.

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

Notice in the application.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Amandeep Singh, Advocate appears on behalf of non-applicant/respondent Nos.2 and 3 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 13.09.2022 to today itself for final disposal.

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 13.09.2022 to today and the same is taken on Board today itself for final disposal.

### **Main case**

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.141 dated 13.11.2016 registered under Sections 307/324/323/148/149 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Division No.2, Pathankot District Pathankot (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 31.05.2017, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Heard.*

*Learned counsel for the petitioners submits that FIR No.141 dated 13.11.2016 has been registered for the offences punishable under Sections 307, 324, 323, 148 read with Section 149 of Indian Penal Code (Section 326 IPC added later on), in which injuries on the person of Gurwinder Singh-respondent No.3 were not declared dangerous to life and provisions of Section 307 IPC are not attracted in this case. Moreover, the matter has since been amicably settled with private respondents vide compromise, copy of which has been placed on file as Annexure P-2.*

*Notice of motion for 18.09.2017.*

*On behalf of respondents No.2 and 3, Mr. Dhawaljeet Dutta, Advocate has put in appearance and filed power of attorney.*

*Sd/- (SURINDER GUPTA )*

*May 31, 2017*

*JUDGE ”*

Thereafter, on 27.08.2018, another Coordinate Bench of this Court was pleased to pass the following order:-

*“As per report of the learned Chief Judicial Magistrate, Pathankot, only one of the accused namely Surinder Kumar @ Chiri appeared and got his statement recorded qua the factum of compromise.*

*The learned counsel for the petitioners has requested for more time to get the statements of the remaining accused rerecorded.*

*Request allowed.*

*The parties are directed to appear before the learned*

*Chief Judicial Magistrate, Pathankot on 26.10.2018 so as to get their statements recorded qua factum of compromise.*

*Adjourned to 4.12.2018.*

*The learned Chief Judicial Magistrate, Pathankot is directed to submit a fresh report on or before the next date of hearing as regards authenticity of compromise after recording statements of all the affected parties.*

*27.8.2018*

*Sd/-(Gurvinder Singh Gill)*

*Judge'”*

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

*“Appearing accused Ranjit Singh, Deepak Kumar, Pawandeep Singh along with accused Surinder Kumar have suffered joint statement that they are accused in this case. They have compromised the matter in the FIR no. 141 dated 13.11.2016. under sections 307, 326, 323, 324, 148, 149 IPC registered at Police station, Division no. 2. Pathankot with complainant Vijay kumar and injured Gurvinder Singh who had already recorded their statement on 27.11.2017 in the court and admitted the compromise. with the intervention of respectables without any pressure and voluntarily. They have no coercion against the complainant. It is prayed that the FIR along-with subsequent proceedings may kindly be quashed.*

*Complainant Vijay Kumar and injured Gurwinder Singh have already suffered statements. But. complainant Vijay Kumar has again appeared and re-asserted his earlier statement.*

*Keeping in view all aspects and statements of complainant and the accused. I am of the considered view*

*that statements of appearing parties are not the result of any pressure or coercion or undue influence and their compromise is voluntarily.*

*Report along with copies of statements of complainant and accused are submitted with regards.*

*Yours faithfully,*  
*Sd/- (Kapil Aggarwal, PCS),*  
*Chief Judicial Magistrate,*  
*Pathankot”*

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.141 dated 13.11.2016 registered under Sections 307/324/323/148/149 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Division No.2, Pathankot District Pathankot (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.

**20.07.2022**

*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**