

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-17855-2021
Decided on : 05.05.2022

Bablu Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rahul Soi, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Prashant Puri, Advocate
for respondent No.2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 191 dated 25.08.2018 under Sections 363 and 366-A of the Indian Penal Code, 1860 registered at Police Station Tripuri, District Patiala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 29.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“[1]. This petition filed under Section 482 Cr.P.C. seeks quashing of FIR No. 0191 dated 25.08.2018 under Sections 363 & 366-A of IPC, registered at Police Station Tripuri, Patiala (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Ld. counsel for the petitioner refers to

[4]. Mr. B.S. Sewak, Addl. Advocate General, Punjab to accept notice on behalf of respondent No.1. Let a copy of the Paperbook be supplied to him.

[5]. There is no representation on behalf of respondent No.2. Still, at the own risk of petitioner, in view of compromise Annexure P-2, the parties are directed to appear before the Trial Court/Illaq Magistrate on 20.05.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

[6]. To await report, list on 10.08.2021.

Sd/-
(SUDIP AHLUWALIA
JUDGE”

In pursuance of the said order, a report has been submitted by the Principal Magistrate, Juvenile Justice Board, Patiala to the Registrar of this Court. The relevant portion of the said report is

reproduced hereinbelow:-

“In compliance of the said order, the parties i.e. Complainant, victim and the Child in conflict with law appeared before the Board today i.e. 20.05.2021 and both the parties were specifically asked whether they entered into compromise on their free will to which they replied in affirmative and recorded their statements to that effect. To ensure their identity, copies of their identify cards were also obtained. They were also identified by their respective counsels. It is further submitted that:-

- 1. As per record, only one person is arrayed as Child in conflict with law in FIR.*
- 2. As per record, he has not been declared as Proclaimed Offender in the present case.*
- 3. The compromise is genuine, voluntary and without any undue influence.*

The statements so recorded are enclosed herewith, for kind perusal, please.

Submitted please. ”

A perusal of the above report as well as the accompanying statements would show that it has been stated that the statements of complainant-Maghar Singh and Ruminder Kaur, respondent Nos. 2 and 3 respectively as well as the petitioner 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 has submitted that the petitioner was not 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 191 dated 25.08.2018 under Sections 363 and 366-A of the Indian Penal Code,1860 registered at Police Station Tripuri, District Patiala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 5th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No