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

CRM-M-13810-2022
Date of decision : 28.04.2022

Vishaldeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vinay Kumar, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Sanjeet Singh Teenk, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.64 dated 14.08.2021 registered under Section 379-B of the Indian Penal Code, 1860 at Police Station Fatehgarh Churian, District Batala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 01.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
64	14.08.2021	Fatehgarh Churian, District Batala	379-B IPC

The petitioner(s) arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

Ld. Counsel appearing for the private respondent(s) states on instructions that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the learned Trial Court/Illaq Magistrate/Duty Magistrate on any working day of court or before 08.04.2022, for getting their statements recorded with regard to the compromise arrived at between them. Ld. Judge before recording their statements should ensure the following aspects:

- 1). Identity of the complainant/ victims(s)/ aggrieved persons(s);*
- 2). That all the victims/ all the aggrieved persons have consented for the compromise;*
- 3). That there is any pressure, threat or coercion upon the victim(s)/complainant.*
- 4). Penal offences / sections of statutes invoked in the matter.*

The concerned court to send the report regarding aforesaid aspect, preferably before the next date fixed in this court.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other particulars as may be required, from the official web page of this Court, and attest

it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use.

List on 28.04.2022.

Sd/-(ANOOP CHITKARA)
JUDGE

01.04.2022”

In pursuance of the abovesaid order, a report has been submitted by the District & Sessions Judge, Gurdaspur. The relevant portion of the said report is reproduced hereinbelow:-

“On the basis of statements of complainant and accused, in the case State versus Vishaldeep Singh alias Vishal, having CNR No.PBGD01-007735-2021 and CIS No.SC-305-2021, this Court is of the opinion that:-

<i>1</i>	<i>Identity of the complainant/victim/aggrieved persons(s)</i>	Ms. Sumandeep Kaur has filed power of attorney on behalf of complainant. Complainant Amrik Kaur also appeared in the court in person. She has produced copy of her Aadhar Card Mark A. Complainant/Victim is Amrik Kaur wife of Charanjit Singh, resident of Malewal, District Gurdaspur.
<i>2</i>	<i>That all the victims/all the aggrieved persons have consented for compromise</i>	There is only one victim i.e. complainant, who has voluntarily consented for compromise.
<i>3</i>	<i>That there is any pressure, threat or coercion upon the victim/complainant</i>	As per voluntary statements of complainant/victim and accused, there is no pressure, threat or coercion upon the victim/complainant
<i>4</i>	<i>Penal offenses/sections of statutes invoked in the matter</i>	379-B of the Indian Penal Code

The complete report alongwith original statements of both the parties and documents produced by them in support

*of their identity is being submitted herewith as desired by
Hon'ble Punjab and Haryana High Court.*

The report is submitted, as desired.

*Yours faithfully,
Sd/- (Ramesh Kumari)
(UID No.PB0039)
District & Sessions Judge,
Gurdaspur.”*

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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and there are no other cases pending against the petitioner. Learned counsel for the State, as per instructions has stated that these facts are correct.

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 petitioner 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.64 dated 14.08.2021 registered under Section 379-B of the Indian Penal Code, 1860 at Police Station Fatehgarh Churian, District Batala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

28.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No