

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(299)

CRM-M-13945-2022

Date of decision: - 26.05.2022

Avtar Singh @ Tari and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kirat Pal Dhaliwal, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Binat Sharma, Advocate, for respondent No.2.

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

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.356 dated 15.08.2018, registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860, at Police Station City Barnala, Tehsil and District Barnala and all the consequential proceedings arising therefrom on the basis of compromise.

On 19.04.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“By way of filing the instant petition, the petitioners have sought indulgence of this Court in quashing of FIR No.356 dated 15.08.2018, registered under Sections 323, 324, 148 and 149 IPC at Police Station City Barnala, Tehsil and District Barnala, Punjab along with all subsequent proceedings arising therefrom, on the basis of compromise dated 23.03.2022 (Annexure P-2) arrived at between the parties.*

*Notice of motion.*

*Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Mr. Pradeep Sharma, Advocate puts in appearance on behalf of respondent No. 2-complainant by filing vakalatnama, which is taken on record and admits the factum of compromise effected between the parties.*

*Since the parties have moved this Court for quashing of the FIR on the basis of the compromise, they are directed to appear before trial Court/Illaqa Magistrate on 26.04.2022 or on any other date convenient to the Court, for recording their statements with regard to the genuineness and authenticity of compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report before the next date of hearing i.e. 26.05.2022 containing the following information:-*

- 1. Number of persons arrayed as accused in FIR.*
- 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 case or not.*
- 5. Whether all the parties named in the FIR have made their statement regarding the compromise.*
- 6. Current stage of the case.*

*Report of the Illaqa Magistrate/trial Court be awaited for the date fixed. Reply on behalf of State also be filed.*

**(SANT PARKASH)  
JUDGE**

*19.04.2022”*

In pursuance of the said order, the report has been submitted by the Chief Judicial Magistrate, Barnala to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

*“This court, after hearing the parties in person and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influences and statements recorded by the complainant party as well as accused are not the result of any pressure and coercion. The statements recorded by the parties along with report of Criminal Ahlmad are enclosed herewith.*

*Report is accordingly submitted to be presented in CRM-M-13945-2022 pending for 26.05.2022 before the Hon'ble Punjab & Haryana High Court, Chandigarh.*

*Thanking you,*

*Yours faithfully,*

*Sucheta Ashish Dev, PCS  
Chief Judicial Magistrate,  
Barnala, UID No.PB-261."*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any pressure.

Learned counsel for the petitioners as well as learned counsel appearing for respondent No.2 have submitted that there are six accused in the present FIR and the compromise has been effected between five accused/present petitioners and respondent No.2.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401**, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioners/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as

**'Dalip Mandal and another Vs. State of U.T., Chandigarh and others',**

in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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, this petition is allowed and FIR No.356 dated 15.08.2018, registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860, at Police Station City Barnala, Tehsil and District Barnala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**May 26, 2022**  
naresh.k

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

Whether reasoned/speaking?  
Whether reportable?

Yes  
No