

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.232

CRM-M-15568-2021

Date of Decision: September 09, 2022

Boota Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Gurmeet Singh Saini, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Balraj Singh Sidhu, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.38, dated 13.06.2020, under Sections 324, 323 and 34 of the IPC, registered at Police Station Kotfatta, District Bathinda, and all other consequential proceedings arising therefrom on the basis of the compromise (Annexure P-2).

On 08.04.2021, this Court had passed the following order:-

“(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court)

By way of filing the instant petition under Section 482 Cr.P.C., the petitioners have sought quashing of FIR No. 38 dated 13.06.2020 registered under Sections 324, 323 and 34 IPC, Police Station Kotfatta, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties .

Notice of motion.

Mr. Hittan Nehra, Addl.A.G., Punjab accepts notice on

behalf of the respondent-State. Mr. Balraj Singh Sidhu, Advocate has put in appearance on behalf of respondent No. 2 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 the learned trial Court/Illaq Magistrate within 30 days from the date of receipt of the copy of this order or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 20.05.2021 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. Current stage of the case. Report of the Illaq Magistrate/trial Court be awaited for the date fixed. ”*

Pursuant to the aforesaid order, report dated 03.05.2021 has been received from the Judicial Magistrate 1st Class, Talwandi Sabo. The relevant paragraphs of the said report is as under:-

“04. It is further submitted that as per the statements of the parties the compromise effected between the parties in the present FIR, as mentioned above, compromise is genuine, voluntary and without any pressure, coercion or undue influence.

05. It is further submitted that three persons namely Boota Singh, Sukhdev Singh and Rajwinder Singh are arrayed as accused in the FIR. None of the accused person is proclaimed offender and none of the accused is involved in any other case. It is also submitted that the challan is yet to

be present in the present case.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are three accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and none of the accused is involved in any other case and challan in the present case is yet to be presented. .

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.38, dated 13.06.2020, under Sections 324, 323 and 34 of the IPC, registered at Police Station Kotfatta, District Bathida, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 09, 2022

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**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No