

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

272

CRM-M-14821-2022
Decided on : 11.05.2022

Nirvair Singh @ Nirvel Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Deshpreet Singh, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Peeyush Setia, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 27 dated 01.04.2022 under Sections 452, 323 and 34 of the Indian Penal Code, 1860 registered at Police Station Bahawala, District Fazilka (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 07.04.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.27 dated 01.04.2022 registered under Sections 452/323/34 of the Indian Penal Code, 1860 at Police Station Bahawala, District Fazilka (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has

submitted that all the persons concerned are party to the compromise.

Notice of motion for 11.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Peeyush Setia, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 21 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 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 FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class, Abohar to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“The petitioners/accused as well as complainant named above in their respective statements have stated that now with the intervention of the respectables, they have compromised the matter with their own free will, without any pressure, coercion or undue influence. Statement of ASI Saroop Singh, the investigating Officer of the case has also been recorded, who has stated that as per record the present FIR has been registered against seven accused persons and none of the accused has been declared as PO. There is no other FIR has been registered against the accused persons. There is one complainant/injured in the FIR.

In view of the statement suffered by complainant party as well as accused named above, it is quite evident that the compromise has been effected between the complainant and accused persons voluntary without any undue influence or coercion in any manner and the compromise appears to be valid & genuine.

Hence the original joint statements of complainant party/respondents as well as accused/petitioners named above and IO of the case are hereby sent to Your Goodself along with this report for your kind perusal.

Report submitted please,”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners 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 none of the petitioners were 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 petitioners 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. 27 dated 01.04.2022 under Sections 452, 323 and 34 of the Indian Penal Code, 1860 registered at Police Station Bahawala, District Fazilka (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 11th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No