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

CRM-M-15194-2022

Date of decision : 29.10.2022

Gurpinderpal Singh @ Pali

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohit Kakkar, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Sukhdev Singh, Advocate for

Mr. Sumeet Puri, 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.168 dated 02.06.2017 registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 02.08.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“CRM-26445-2022

1. *The present application has been filed for preponing the date of hearing of main case.*
2. *For the reasons recorded in the application, the application is allowed. The main case is preponed, and, is taken up on board for hearing today.*

CRM-M-15194-2022

1. *Before proceeding to quash FIR No. 168 dated 2.6.2017, registered at Police Station City Sangrur, District Sangrur, it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioner, and, respondent No. 2, and, after his recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).*
2. *The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.*
3. *The afore made report be ensured to be transmitted to this Court on or before the next date of hearing.*
4. *For the afore purpose, list on 23.11.2022.*
5. *In view of the compromise, in respect whereof the learned Illaqa Magistrate is directed to transmit his report to this Court, therefore, he is restrained, till further orders, from taking up any further judicial proceedings, in respect of FIR (supra).*

Sd/- (SURESHWAR THAKUR)

JUDGE

August 02, 2022”

Thereafter, on 27.09.2022, the following order was passed:-

“CRM-35842-2022

This is an application filed under Section 482 of

Cr.P.C. for preponement of the date of hearing in the main case from 23.11.2022 to an early date.

Learned counsel for the applicant/petitioner as well as respondent No.2 have jointly submitted that the matter has been compromised and the statements of the parties have already been recorded before the trial Court and thus, jointly pray that the date of hearing in the main case be preponed from 23.11.2022 to today and the trial Court be directed to submit its report in compliance of order dated 02.08.2022 passed by the Coordinate Bench of this Court.

Keeping in view the abovesaid facts and circumstances, the present application is allowed and the date of hearing in the main case is preponed from 23.11.2022 to today and the same is taken on Board today.

Main case

Vide order dated 02.08.2022, the Coordinate Bench of this Court had directed the parties to get their statements recorded before the trial Court and had also directed the trial Court to submit its report.

It is the case of the parties that the statements of the parties have already been recorded on 16.08.2022 before the trial Court.

In view of the same, the trial Court is requested to submit its report on or before 13.10.2022.

List the main case on 13.10.2022.”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Sangrur. The relevant portion of the said report is reproduced hereinbelow:-

“From the statement of the complainant it is evident that the matter has been voluntarily compromised between the parties with the free consent of complainant without any pressure or undue influence and the compromise is genuine.

As per the Investigating Officer there are three accused namely Jagjit Singh son of Jasvir Singh, Gurbinderpal Singh son of Sukhjinder Singh and Jatinder Singh @ Gagan son of Gursharan Singh, Sangrur in this FIR. According to him, in the FIR at hand lodged at the instance of complainant Shavinder Kumar son of Shishampal Goyal, resident of House No. 85 Ajit Nagar Near Barnala Road, Sangrur, the investigation has been completed qua accused Jagjit Singh. Challan against accused Jatinder Singh and Gurbinder Singh has been presented. The accused Gurbinder Pal Singh is not proclaimed offender in the present FIR as per his knowledge no proceedings of proclaimed offender is pending in any other case.

In view of these circumstances, this Court hereby submit report that compromise is genuine, voluntary and without coercion or undue influence.”

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.

A perusal of the above report would also show that in the present case, there are three accused persons, out of which, one accused person i.e. the present petitioner has filed the present petition for quashing of FIR on the basis of compromise and thus, the present case is a case of partial compromise.

Learned counsel for the petitioner has submitted that the

petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

With respect to the aspect of partial compromise, learned counsel for the petitioner has relied upon judgment passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as ***2012(12) SCC 401*** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

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.168 dated 02.06.2017 registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur 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.

29.10.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No