

256
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15530-2022

Date of decision: 29.08.2022

Anmol @ Anmoljit Singh and ors

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. B.B.S. Randhawa, Advocate, for the petitioners.

Mr. Manipal Atwal, DAG, Punjab.

Mr. Gagandeep Singh Virk, Advocate,
for respondent No. 2.

AMAN CHAUDHARY, J. (ORAL)

Present petition has been filed for quashing of FIR No. 23 dated 03.03.2021 under Sections 452, 353, 186, 332, 506 read with Section 34 of IPC and Sections 25 and 27 of the Arms Act registered at Police Station, Sekhwan, Police District Batala (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of the compromise dated 02.03.2022 (Annexure P-2).

On 18.04.2022, this Court had passed the following order:-

“The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.23 dated 03.03.2021 under Sections 452, 353, 186, 332, 506 read with Section 34 of the IPC and Section 25 and 27 of the Arms Act registered at Police Station, Sekhwan, Police District Batala (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 02.03.2022 (Annexure P-2) effected between the parties.

Notice of motion.

At this stage, Ms. A.K. Khurana, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State.

Mr. Gagandeep Singh Virk, Advocate, appearing on behalf of respondent No.2 admits the execution of compromise dated 02.03.2022 (Annexure P-2) and filed his power of attorney in the Court today.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 09.05.2022 or any other date convenient to the Court for recording their respective statements with regard to compromise/settlement.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.
- (v) Whether the compromise has been effected with all the accused persons and with all the complainant(s)/injured.

To come up on 14.07.2022 for further consideration.

Reply by respondent No.1-State be filed on or before the next date of hearing, if so desired.”

Pursuant to the aforesaid order, report dated 19.05.2022 has been received from the Judicial Magistrate Ist Class, Batala. The relevant paragraph of the said report is as under:-

“Statement of I.O/ASI Harcharan Singh No. 2598/BTL, P.S. Sekhwan also got recorded. The para-wise report is as under: -

1. As per the statements of parties as well as I.O, there are only three persons arrayed as accused appearing in the present F.I.R/case namely (1) Anmol @ Anmoljit Singh son of Harjeet Singh (2) Harpreet Singh @ Heera son of Amrik Singh and (3) Sohanpreet Singh son of Sohan all residents of village Massanian, P.S. Sekhwan, Tehsil Batala, District Gurdaspur.

2. As per the statements of I.O and parties, accused (1) Anmol @ Anmoljit Singh son of Harjeet Singh (2) Harpreet Singh @ Heera son of Amrik Singh (3) Sohanpreet Singh son of Sohan all residents of village Massanian, P.S. Sekhwan, Tehsil Batala, District Gurdaspur are not declared offender in the present case/F.I.R.

3. As per the statements of I.O and parties, challan has not been presented in the present F.I.R/Case.

After considering the statements of the parties as well as the statement of I.O, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.

Submitted please.

Yours faithfully,

(Amandeep Kaur Rathor), PCS
Judicial Magistrate Ist Class
Batala..”

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 no other case has been registered against the accused persons except the FIR in question.

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 petitioners and the complainants. 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. 23 dated 03.03.2021 under Sections 452, 353, 186, 332, 506 read with Section 34 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station, Sekhwan, Police District Batala (Annexure P-1) and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

29.08.2022

preeti

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking?

Yes

Whether reportable?

No