

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15848-2022

Date of decision : 23.09.2022

Raminder Pal and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sanjeev Roy, Advocate
for the petitioners.

Mr.Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.22 dated 29.01.2022 registered under Sections 451, 323, 148, 149, 427, 506 IPC at Police Station Division no.8, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

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

"1. Notice to respondents.

2. Mr. Bhupender Beniwal, Assistant Advocate General, Punjab, waives service of notice on behalf of respondent No. 1-State.

3. Mr. M.K. Dhot, Advocate, has put in appearance on behalf of respondents No. 2 & 3, and, has filed vakalatnama on behalf of them in Court today, which is taken on record.

4. Before proceeding to quash FIR No. 22 of 29.01.2022 (Annexure P-1), registered at Police Station Division No. 8, Jalandhar, constituting therein offences under Sections 451, 323, 148, 149, 427, 506 of the IPC, it is deemed appropriate to make

directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondents No. 2 & 3, and, after 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 Annexures P-2, to make a report with respect to the compromise (supra).

5. The learned Illaqa 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.

6. The afore made report be ensured to be transmitted to this Court within three weeks.

7. For the afore purpose, list on 28.07.2022.

8. Till the next date of hearing, the learned Judicial Magistrate concerned, may not draw any further proceedings, arising from the FIR (supra).

***April 19, 2022 (SURESHWAR THAKUR)
JUDGE”***

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

“From the statement of the parties, recorded in the court and in my presence, the compromise between the parties is found to be genuine and valid. Report is hereby submitted to the effect that

(i) Report under Section 173 Cr.PC has not been filed in the present case till date.

(ii) Charge has not been framed in the present case.

(iii) Prosecution evidence has not been commenced.

(iv) All concerned have signed the compromise deed.

Complainant Dheeraj Jain and aggrieved Neha have given no objection if the proceedings of FIR be quashed against the accused persons. Report is accordingly submitted. Statements of the parties along with requisite documents are enclosed herewith for your kind perusal.”

A perusal of the above said report would show that the petitioners and respondents no.2 and 3 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

A perusal of the statement of the Investigating Officer, which has been attached with the report, would show that the present FIR was registered against five unknown persons and the present petition has been filed by the three petitioners.

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 petitioner/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-16318-2015 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 State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.22 dated 29.01.2022 registered under Sections 451, 323, 148, 149, 427, 506 IPC at Police Station Division no.8, Jalandhar and

the subsequent proceedings emanating therefrom are ordered to be quashed,
qua the petitioners.

September 23, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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