

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17298-2021 (O&M)

Date of decision:29.08.2022

Soma Bai and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harpreet Singh Jakhal, Advocate for the petitioners.

Mr. Vikas Arora, AAG, Punjab.

None for respondent No.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.64 dated 08.03.2020 under Sections 447, 380, 427, 148, 201, 186 IPC registered at Police Station Sadar Fazilka, District Fazilka and all subsequent proceedings arising therefrom on the basis of compromise dated 09.07.2020 (Annexure P-2).

On 14.07.2022, this Court was pleased to pass the following order:-

“Mr. Sukhbeer Singh, AAG, Punjab appears on behalf of the State and Mr. Yaseen Sethi, Advocate appears on behalf of respondent No. 2 and filed his power of attorney, same is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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.*

Adjourned to 09.08.2022.

14.07.2022

*(VIKAS BAHL)
JUDGE”*

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

“From the statements of complainant Surinder Kumar and accused/petitioners Soma Bai, Ramesh Singh, Jangir Singh, Manjit Kaur and Banso Bai as well as the statement of I.O. ASI Jugraj Singh, the report of the undersigned is as under: -

- i) That as per the statement of I.O., five persons namely Soma Bai, Ramesh Singh, Jangir Singh, Manjit Kaur and Banso Bai have been arrayed as accused in the FIR.*
- ii) That as per the statement of I.O., none of the accused is proclaimed offender in this case.*
- iii) That the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.*
- iv) That as per the statement of I.O., the accused persons are not involved in any other FIR.*
- v) That as per the statement of I.O., only one complainant namely Surinder Kumar is there in the FIR.*

Original statements of complainant Surinder Kumar and accused/petitioners Soma Bai, Ramesh Singh, Jangir Singh, Manjit Kaur and Banso Bai and that of I.O. ASI Jugraj Singh as well as written compromise Ex.C1 are being sent herewith, as desired by the Hon'ble High Court.

Submitted please.

Yours faithfully,

*(Ravinderjit Singh Bajwa),
Addl. Chief Judicial Magistrate,
Fazilka/UID No.PB0231 ”*

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

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender in the present case.

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

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.64 dated 08.03.2020 under Sections 447, 380, 427, 148, 201, 186 IPC registered at Police Station Sadar Fazilka, District Farilka and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Pending application, if any, stands disposed of in view of the above said order.

August 29, 2022.
Ishwar Singh

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No