

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16362-2022(O&M)

Date of decision : 18.05.2022

Harjinder Pal Singh @ Minta

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Sandeep Godara, Advocate
for respondent nos.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 482 Cr.P.C. praying for quashing of FIR no.44 dated 22.05.2002 registered under Sections 323, 324, 148, 149 IPC (Sections 341, 506 IPC added and Section 34 IPC deleted later on) at Police Station Rahon, District Nawanshehar (now S.B.S. Nagar) and all other consequential proceedings arising therefrom on the basis of compromise.

On 22.04.2022, 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.44 dated 22.05.2002 registered under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 (Sections 341 and 506 of IPC have been added later on and Section 34 of IPC has been dropped subsequently) at Police Station Rahon, District Nawanshehar (now SBS Nagar) and all the subsequent

proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, there are five accused persons, out of which, four accused persons have already been acquitted and now, the petitioner is only the accused left. It is further submitted that the complainant has now compromised the matter with the present petitioner who is only accused left.

Notice of motion for 18.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Sandeep Godara, Advocate appears on behalf of respondent Nos.2 and 3.

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.*

22.04.2022

**(VIKAS BAHL)
JUDGE”**

In pursuance to the said order, a report has been submitted by the Addl.Chif Judicial Magistrate, Shaheed Bhagat Singh Nagar. The relevant portion of the said report is reproduced hereinbelow:-

“Consequently, para-wise reply as sought for is as follows:

- 1. As per record and as per statement of SI Nand Lal, five persons are arrayed as accused in the present case.*
- 2. As per record and as per statement of SI Nand Lal, only accused/petitioner Harjinder Pal Singh @ Minta was declared proclaimed offender. Now he is on bail as per order dated 04-04-2022, passed by the Hon'ble High Court.*

3. *The compromise effected between complainant, injured and accused/ petitioner seems is to be genuine, voluntary and without any coercion or undue influences.*

4. *As per statement of SI Nand Lal, all the accused are not involved in any other FIR.*

5. *As per record and statement of SI Nand Lal, Except complainant Sohan Singh and injured Bhajan Singh there is no other victims/complainant in the present case.*

Report is submitted accordingly for kind perusal. The copies of statements made by the complainant/injured and accused/petitioners, along with their identity proof are enclosed herewith.

Submitted please.

*(Parminder Kaur),
Addl. Chief Judicial Magistrate,
Shaheed Bhagat Singh Nagar.
(UID no.PB0268) ”*

A perusal of the above said report would show that the petitioner and respondent nos.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.

Learned counsel for the petitioner has submitted that the petitioner was declared proclaimed offender in the present case but now he is on bail.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent nos.2 and 3 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**”, 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.44 dated 22.05.2002 registered under Sections 323,

324, 148, 149 IPC (Sections 341, 506 IPC added and Section 34 IPC deleted lateron) at Police Station Rahon, District Nawanshehar (now S.B.S. Nagar) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

May 18, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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