

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24801-2021

Date of decision:21.09.2022

Amarjit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Amarjot Kaur, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.10 dated 08.01.2021 under Sections 452,427,506,148,149 IPC, registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) along with all other consequential proceedings arising therefrom, on the basis of compromise dated 06.04.2021 (Annexure P-2) arrived at between petitioners and respondent No.2.

On 25.03.2022, this Court was pleased to pass the following order:-

“This is an application filed under Section 482 of Cr.P.C. for extension of time for compliance of order dated 26.07.2021 passed by this Court.

Learned counsel for the parties have submitted that the statements of the parties could not be recorded on account of the fact that respondent No.2 was suffering from Corona and remained bed ridden for a period of one month and thus, pray that one more opportunity may kindly be granted to the parties to get their statements recorded before the trial Court.

Keeping in view the abovesaid facts and circumstances,

the present application is allowed.

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

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.*

(VIKAS BAHL)
JUDGE”

25.03.2022

In pursuance to the said order, a report has been submitted by

Sub Divisional Judicial Magistrate, Ajnala. The relevant portion of the said report is reproduced hereinbelow:-

“From the perusal of statement of parties, it transpires that the matter has been compromised with the free and voluntary consent of complainant Shiba Singh and the accused persons namely Amarjit Singh, Simarjit Singh and Joginder Singh and the accused persons are not involved in any other case. Furthermore, as per statement of ASI Kewal Singh no.1118, there are three accused persons namely Amarjit Singh, Simarjit Singh and Joginder Singh and they have not been declared as P.O till date and there is only one aggrieved party namely complainant Shiba Singh son of Pyiara Singh. As per statement of ASI Kewal Singh, both parties have entered into compromise.

Report is submitted as desired, please.

Yours faithfully,

(Prabhjot Kaur), PCS,
Sub Divisional Judicial Magistrate,
Ajnala/UID No:PB0363”

A perusal of the above said report would show that the petitioners and 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 offenders 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 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:-

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.10 dated 08.01.2021 under Sections 452,427,506,148, 149 IPC, registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) along with all other consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

21.09.2022
Ishwar

(VIKAS BAHL)
JUDGE

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