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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-16243-2022

Date of decision : 03.08.2022

Gurmeet Singh @ Gurmit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Angad Parmar, Advocate for

Mr. Gulshan K. Moudgil, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.84 dated 21.06.2019 registered under Sections 323, 324, 325, 506 of the Indian Penal Code, 1860 at Police Station Subhanpur, District Kapurthala (Annexure P-1) (Sections 326, 452 and 34 of IPC have been deleted later on) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR, in question and proceedings emanating therefrom on the basis of compromise arrived at

between the parties.

Notice of motion for 03.08.2022.

Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent – State while Mr. Gulshan K. Moudgil, Advocate has appeared on behalf of respondent No.2.

Counsel for the petitioner is directed to supply copy of the paperbook to counsel opposite during course of the day.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 30 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.*

Sd/-(ARVIND SINGH SANGWAN)

JUDGE

21.04.2022”

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

“Accordingly, my point wise report is submitted as under:

- (i) *As per statement of the Investigating Officer, the FIR in this case has been registered against two accused namely Gurmit Singh and Gurwinder sons of Jagir Singh, residents of village Dogranwal, PS Subhanpur.*
- (ii) *As per statement of the Investigating Officer none of the aforesaid accused have been declared as proclaimed persons but accused Gurwinder Singh was found innocent and challan was not presented against him.*
- (iii) *It is clear from the statements of the complainant Harwinder Singh, injured victim Jarnail Singh and accused Gurmit Singh @ Gurmeet Singh as well as after their examination in the Court, that they have entered into compromise and solved their differences, without any undue influence, coercion and threat. As such, in my opinion, the parties have entered into compromise voluntarily.*
- (iv) *As per statement of Investigating Officer, the accused are not involved in any other case.*
- (v) *Further, as per statement of Investigating Officer, there is only one complainant/victim namely Harwinder Singh son of Jarnail Singh and there is no other victim in the said FIR and compromise has been effected between the complainant and accused Gurmit Singh @ Gurmeet Singh.*

The report is accordingly submitted please.

Thanking you,

Yours faithfully,

Sd/- (Supreet Kaur)

Judicial Magistrate Ist Class,

Kapurthala.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been

compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and there are no other cases pending against the petitioner. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent No.2 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**”, reported as **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**”, reported as **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 what has been discussed hereinabove, the petition is allowed and FIR No.84 dated 21.06.2019 registered under Sections 323, 324, 325, 506 of the Indian Penal Code, 1860 at Police Station Subhanpur, District Kapurthala (Annexure P-1) (Sections 326, 452 and 34 of IPC have been deleted later on) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

03.08.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No