

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(272)

CRM-M-16620-2022

Date of decision: - 12.05.2022

Nishan Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Sapna Khurana, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vaibhav Narang, Advocate,
for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.59 dated 20.03.2021 registered under Sections 323, 452, 365, 34 of the Indian Penal Code, 1860 at Police Station Lopoke, District Amritsar Rural (Annexure P-1) and all the subsequent 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.59 dated 20.03.2021 registered under Sections 323, 452, 365, 34 of the Indian Penal Code, 1860 at Police Station Lopoke,

District Amritsar Rural (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 12.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vaibhav Narang, 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 10 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.”*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Ajnala to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“The Investigating Officer ASI Charanjit Singh had accordingly appeared in the Court on 29.04.2022 and had informed that there were only 02 victims/complainants in this case and their names were Hardev Singh & Manpreet Kaur. Also, that there were 04 accused involved in the matter and their names were Nishan Singh, Sukhwinder Singh, Paramjit Kaur and Sahib Singh. He also intimated that none of the accused was declared as proclaimed offender in the

present FIR and that the same were also not involved in any other criminal case.

6. *Respected Sir, from the aforementioned statements got recorded by the Court, it clearly appears that the compromise inter-se the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence. Further, from the information made available before this Court, by the means of the statement of the IO of this case namely ASI Charanjit Singh, there were only 02 complainants in this case and names were Hardev Singh & Manpreet Kaur. Also, there were 04 accused involved in the matter and their names were Nishan Singh, Sukhwinder Singh, Paramjit Kaur and Sahib Singh. As per his information, the accused were not involved in any other FIR, except the present one and further that none of the above named accused were declared as a proclaimed offender.*

Report is submitted as desired, please.

Yours faithfully

(Ankit Airi)

Judicial Magistrate I" Class,

Ajnala.

(UID NO. PRO455)"

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions,

has stated that this fact is correct.

Learned counsel for respondents No.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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.59 dated 20.03.2021 registered under Sections 323, 452, 365, 34 of the Indian Penal Code, 1860 at Police Station Lopoke, District Amritsar Rural (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 12, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No