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

CRM-M-16984-2022

Date of decision : 31.05.2022

Simranjit Singh @ Simmu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikasdeep Singh, Advocate for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Vikas Gupta, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.10 dated 23.01.2022 registered under Sections 323/324/341/34 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.04.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.10 dated 23.01.2022 registered under Sections 323/324/341/34 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Sultanpur Lodhi, District Kapurthala (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 31.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vikas Gupta, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 3 weeks.

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 abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi. The relevant portion of the said report is reproduced hereinbelow:-

“In pursuance of aforesaid order, both the parties i.e. petitioners/accused namely Simranjeet Singh @ Simmu son of Gurpal Singh, Davinder Singh @ Kaka son of Ratan Singh, both residents of village Karhal Nau Abad, PS Fattudhinga, Kapurthala, and Harpreet Singh @ Ashwani son of Madan Lal, resident of village Talwandi Pai, PS

Fattudhinga, Kapurthala, as well as respondent/complainant namely Kuljit Singh son of Sukhwinder Singh, resident of village Talwandi Pai, PS Fattudhinga, District Kapurthala, appeared in the Court and got recorded their respective statements before the undersigned with regard to compromise of the matter in the above said criminal miscellaneous.

(i) As per statement of investigating officer, three persons namely Simranjeet Singh @ Simmu son of Gural Singh, Davinder Singh @ Kaka son of Ratan Singh, both residents of village Karhal Nau Abad, PS Fattudhinga, Kapurthala, and Harpreet Singh @ Ashwani son of Madan Lal, resident of village Talwandi Pai, PS Fattudhinga, Kapurthala, have been arrayed as accused in the present FIR.

(ii) As per statement of investigating officer, none of the petitioners/accused have been declared proclaimed offender in the present case nor any proceedings for declaring them as PO is pending.

(iii) In the light of peculiar facts, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

(iv) As per statement of investigating officer, petitioners/accused have not been involved in any other case except the present case.

(v) As per statement of investigating officer, Kuljit Singh son of Sukhwinder Singh, resident of village Talwandi Pai, PS Fattudhinga, District Kapurthala, is the only victim/complainant in the present FIR.

Certified copies of statements of appearing parties, recorded in this Court, are being sent herewith through the office of Ld. District & Sessions Judge, Kapurthala. The report is accordingly submitted before the Hon'ble High

Court for kind perusal, please.

Thanking you,

Yours faithfully,

Sd/- (Mahesh Kumar)

Sub Divisional Judicial Magistrate,

Sultanpur Lodhi.

(UID No.PB0288)”

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 petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. 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 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**”, 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.10 dated 23.01.2022 registered under Sections 323/324/341/34 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

31.05.2022

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No