

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18161-2022

Date of decision: 11.10.2022

Balwinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Deepali Verma, Advocate for
Mr. Jagdeep Singh, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Amit Bhanot, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.150 dated 11.09.2012, under Sections 419,420,465,467,468,471,474,120-B IPC registered at Police Station Kurali (Annexure P-1) along with subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

On 02.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.150 dated 11.09.2012, under Sections 419,420,465,467,468,471,474 and 120-B IPC registered at Police Station Kurali and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. B.S. Sewak, Addl. A.G, Punjab accepts notice on behalf of respondents No.1/State.

Parties may appear before concerned Illaqa Magistrate/trial Court on 18.05.2022 or on any other date convenient to the said Court and get their statements recorded

with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 10.08.2022.

FIR in this case was registered on 11.09.2012 and the matter has been compromise between the parties on 30.03.2022. During this period, the investigation was carried out. Challan stands presented and the charges have also been framed and the case is at the stage of prosecution evidence.

Hence the above order is subject to the petitioners depositing a sum of Rs. 25,000/- with the Bar Association of Punjab and Haryana High Court at Chandigarh.

As the parties have entered into a compromise, further proceedings shall remain stayed.

(HARINDER SINGH SIDHU)

02.05.2022

JUDGE”

In pursuance to the said order, a report has been submitted by Additional Chief Judicial Magistrate, Rupnagar. The relevant portion of the said report is reproduced hereinbelow:-

“...On the basis of such statements, the point-wise report is as under:

- (i) From the statements of the complainant Sunil Kumar Bhanot as well as of the accused persons recorded in the Court, the compromise seems to be genuine, voluntarily and out of the free will of the parties.*
- (ii) The present FIR has been lodged against the five accused persons namely Balwinder Singh, Suresh Kumar Sharma, Dhanna Ram, Kuldeep Singla and Satpal Patwari. Accused Satpal Patwari has died during the trial of the present case and the proceedings qua accused Satpal Patwar were abated vide orders dated 02.09.2021. Remaining all the four accused persons are on bail and appearing before the Court.”*

A perusal of the above said report would show that the

petitioners and 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.

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***”, 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.150 dated 11.09.2012, under Sections 419,420,465,467,468,471,474,120-B IPC registered at Police Station Kurali (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

11.10.2022

Ishwar

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