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

CRM-M-18717-2022

Date of decision : 31.05.2022

Ajmer Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Varsha Sharma, Advocate for the petitioner.

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

Mr. Mohit Sharma, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of complaint bearing COMI-391-2015 dated 28.08.2015 titled as 'Hardev Singh Vs. Brish Bhan and others' under Sections 420/406/120-B of the Indian Penal Code, 1860 pending before the Court of SDJM, Moonak, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 05.05.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of complaint bearing COMI-391-2015 dated 28.08.2015 titled as Hardev Singh Vs. Brish Bhan and others under Sections 420/406/120-B of the Indian Penal Code,

1860 pending before the Court of SDJM, Moonak, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, there are seven accused persons and the compromise has been effected only with the present petitioner and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401**, to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

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. Anmol Dutt Sharma, Advocate appears on behalf of respondent No.2 and has reiterated the facts as stated by the learned counsel for the petitioner.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two 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, Moonak, Sangrur (Punjab). The relevant portion of the said report is reproduced hereinbelow:-

“2. On 13.05.2022 statement of complainant Hardev Singh son of Gurbaksh Singh, resident of Gobindpura Papra, Tehsil Moonak, District Sangrur and accused Ajmer Singh son of Mage Ram, resident of H.No. 2622 New Housing Board Colony Sector 13 Bhiwani District Bhiwani have been recorded. Complainant Hardev Singh son of Gurbaksh Singh, resident of Gobindpura Papra, Tehsil Moonak, District Sangrur has suffered the statement that the matter in dispute have been compromised with the accused Ajmer Singh son of Mage Ram, resident of H.No. 2622 New Housing Board Colony Sector 13 Bhiwani District Bhiwani with the intervention of respectables of the society out of the free will. He has filed quashing petition CRM-M-18717 of 2022 before the Hon'ble Punjab and Haryana High Court at Chandigarh for quashing of the complaint bearing COMI-391-2015 dated 28.08.2015 titled as Hardev Singh Vs. Brish Bhan and others under Sections 420/406/120-B of the Indian Penal Code, 1860. The matter have been voluntarily compromised with the accused. The said compromise is genuine and is voluntarily arrived at with his free consent and without any pressure, coercion, undue influence and inducement from any quarter. Complainant does not want to proceed with the present complaint and complainant has no objection if the present complaint is quashed against the accused.

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4. From the statements, it appears that compromise is genuine and has been effected between the parties without any pressure and with their free will and without any

coercion or undue influence.

Report is submitted as desired, please.

Date: 13.05.2022

Yours faithfully,

Sd/- Indu Bala

Sub-Divisional Judicial Magistrate,

Moonak (UID-PB00368)”

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.

Learned counsel for the petitioner and respondent No.2 have reiterated the fact that there are seven accused persons and the compromise has been effected only with the present petitioner and have relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh**

Rana Vs. State of Gujarat and another, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

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 complaint bearing COMI-391-2015 dated 28.08.2015 titled as 'Hardev Singh Vs. Brish Bhan and others' under Sections 420/406/120-B of the Indian Penal Code, 1860 pending before the Court of SDJM, Moonak, District Sangrur (Annexure P-1) 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.

31.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No