

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.202

CRM-M-19441-2021

Date of Decision: September 13, 2022

Prince Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Amardeep Singh, Advocate for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

Ms. Nikita, Advocate for

Ms. Urvashi, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0090, dated 27.03.2020, under Sections 420 and 120-B of the IPC, registered at Police Station City Tarn Taran, District Tarn Taran, and all other consequential proceedings arising therefrom on the basis of the compromise (Annexure P-2).

On 23.05.2022, this Court had passed the following order:-

“CRM-17849-2022

The application for early hearing is allowed and the main case i.e. CRM-M-19441-2021 is taken up for hearing before this Court today itself.

CRM-M-19441-2021

1. Since during pendency of the main petition, a compromise has occurred amongst the contesting litigants concerned, and, copy thereof is appended as Annexure A-1 to the preponement application.

2. Consequently, all concerned are directed to make their

respective appearances before the learned Illaqa Magistrate concerned, on or before 06.06.2022, and or through their respectively validly constituted powers of attorney, and, thereafter, the learned Illaqa Magistrate concerned shall record their testifications, with respect to the validity, and, also with respect to the authenticity of the compromise drawn amongst them, and, as embodied in Annexure A-1.

3. Subsequently, the learned Illaqa Magistrate concerned shall make a report whether Annexure A-1 is free from any vices of compulsion, and, duress being exercised upon each other.

4. The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.

5. The report of the Illaqa Magistrate be ensured to be placed on record on or before 06.09.2022.

6. In view of the compromise, in respect whereof the learned Illaqa Magistrate is directed to transmit his report to this Court, therefore, he is restrained, till further orders, from taking up any further judicial proceedings, in respect of FIR No. 90 dated 27.03.2020 registered at Police Station PS City Tarn Taran.”

Pursuant to the aforesaid order, an application bearing CRM-28408-2022 was filed to fix another date before the trial Court for getting recorded the statements of the parties as on the date fixer earlier i.e. 06.06.2022, the parties could not get their statements recorded on account of the fact that the learned Illaqa Magistrate was on leave on that date and this Court vide order dated 16.08.2022 allowed the said application.

Pursuant to the said order, report dated 02.09.2022 has been received

from the Chief Judicial Magistrate, Tarn Taran. The relevant paragraph of the said report is as under:-

“As per the statement of the parties i.e. petitioner Prince Kumar and respondent Parminder Singh they have effected compromise with each other with the intervention of respectables of locality with their free will. They tendered copy of written compromise Ex.C1 in the Court while identifying their signatures over the same which is enclosed with the report.

The parties i.e. petitioner Prince Kumar and respondent Parminder Singh have suffered their statements voluntarily, with their free will with regard to written compromise Ex. C1 effected between them with the intervention of respectables of locality, which seems to be genuine.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are three accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and challan in the present case has not been presented so far. It is also stated in the report that accused Jarmanjeet Singh and Daljit Singh @ Dimple have already recorded their statements with regard to the compromise on 27.10.2020.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.0090, dated 27.03.2020, under Sections 420 and 120-B of the IPC, registered at Police Station City Tarn Taran, District Tarn Taran, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 13, 2022

sarita

**(AMAN CHAUDHARY)
JUDGE**

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