

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

250

CRM-M-20348-2021
Decided on : 06.05.2022

Gurpreet Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Parvesh Sachdeva, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Amandeep Chhabra, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 57 dated 11.08.2016 under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 (Section 201 IPC added later on vide DDR No. 21 dated 03.11.2018) registered at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 08.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“In compliance of the order dated 02.07.2021, report has been received from the learned trial Court to the effect that parties failed to appear before the Court for recording their statement.

Faced with the above, learned counsel for

the parties pray for one more opportunity to get their statements recorded before the learned trial Court.

Request is acceded to.

List on 07.03.2022.

The parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to the genuineness of the compromise on 14.02.2022 or any other date convenient to the Court.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in the FIR;*
- ii. Whether any accused is declared as proclaimed offender;*
- iii. Whether all the parties named in the FIR have made their statements regarding the compromise;*
- iv. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- v. Whether the accused persons are involved in any other case or not; and*
- vi. Current stage of the case.*

08.02.2022

*Sd/-
(SANT PARKASH)
JUDGE"*

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

“2. Complainant/respondent no. 2 Amandeep Kaur D/o Paramjeet Singh has got recorded her statement to the effect that FIR bearing no. 57 dated 11.08.2016 under section 420/465/467/468/471 IPC, Police Station Arniwala, Fazilka was registered against accused Gurpreet Singh son of Gurbachan Singh, resident of village Dhippanwali, P.S. Arniwala, Tehsil & District Fazilka on her statement. She further stated that later on commission of offence u/s 201 IPC was enhanced. She further stated that she has compromised with above named accused in the present case with the intervention of respectable persons of the society. She further stated that compromise effected between them, vide compromise deed dated 17.04.2021 Ex. A1 and she also identified her signature on Ex.A1. She further stated that compromise effected between the parties is genuine. voluntary and same has been effected without any influence, threat and coercion. She has stated that except her, there is no other aggrieved person in the present case. Complainant was duly identified by her counsel Sh. Anoop Munjal, Advocate.

xxx—xxx--xxx

5. In compliance to the aforesaid order dated 08.02.2022 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of undersigned is as follows:

- i. It is submitted that the present FIR was registered against only one person namely accused Gurpreet Singh son of Gurbachan Singh resident of village Dhippanwali*

Tehsil & District Fazilka.

- ii. It is further submitted that as per report of investigating officer and report of Ahlmad accused has not been declared proclaimed offender in the present FIR.*
- iii. It is submitted that both the parties i.e. complainant as well as accused have got recorded their statements regarding the compromise.*
- iv. It is submitted that in view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion*
- v. It is further submitted that as per report of investigating officer, accused in the present FIR is not involved in any other case/FIR.*
- vi. It is further submitted that in the present FIR. challan has already been presented and same is fixed for 22.04.2022 for prosecution evidence.*

6. As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself.

Submitted Please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioner have been recorded in the case and they 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 is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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, the petition is allowed and FIR No. 57 dated 11.08.2016 under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 (Section 201 IPC added later on vide DDR No. 21 dated 03.11.2018) registered at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 6th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No