

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.247

CRM-M-19560-2021

Date of Decision: 05.09.2022

Amritpal Singh & ors.

...Petitioners

Versus

State of Punjab & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Rajesh Bhateja, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. G.S. Thind, Advocate,
for respondents No.2 & 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.10, dated 31.01.2021, under Sections 323, 307, 148 and 149 of the IPC, registered at Police Station Kabirpur, District Kapurthala, and all other consequential proceedings arising therefrom on the basis of the compromise deed and affidavit dated 11.03.2021 (Annexures P-2 & P-3 respectively).

On 12.10.2021, this Court had passed the following order:-

“Ld. counsel for the petitioners refers to Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion.

At this stage, Mr. C.L. Pawar, Sr. DAG, Punjab, Advocate has appeared and filed power of attorney on behalf of respondent No.2-complainant and admits the

factum of compromise.

In this view of the matter, the parties shall appear before the trial Court/Illaq Magistrate on 28.10.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 16.12.2021.”

Pursuant to the aforesaid order, report dated 01.12.2021 has been received from Judicial Magistrate Ist Class, Sultanpur Lodhi. The relevant paragraph of the said report is as under:-

“It is further submitted that there are 05 persons arrayed as accused in the present FIR No.10, dated 31.01.2021, under Sections 323, 307, 148 and 149 of the IPC. As per the statement of the 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. No other FIR is pending against any of them

Compromise between parties appears to be genuine as parties are closely related to each other and they want to maintain peace and harmony in the family bny6 putting an end to this litigation. Certified copies of statements of both the parties & investigating officer recorded in this Court are being sent herewith. The

report is accordingly submitted before the Hon'ble High Court for kind perusal, please.

Thanking you

Yours faithfully,

*(Rajinderpal Singh Gill)
Judicial Magistrate Ist Class,
Sultanpur Lodhi.
UID No.PB0464*

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 five 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 no other case has been registered against the accused persons except the FIR in question.

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 petitioners and the complainants. 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.10, dated 31.01.2021, under Sections 323, 307, 148 and 149 of the IPC, registered at Police Station Kabirpur, District Kapurthala, and all other

consequential proceedings arising therefrom, is quashed qua the petitioners.

05.09.2022
monika

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No