

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.224

CRM-M-30602-2017 (O&M)

Date of Decision: September 09, 2022

Balwinder Singh alias Baljinder and others ...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ranjit Sharma, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. P.K. Dhiman, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.64, dated 03.06.2017, under Sections 341, 323, 379-B, 336, 148, 149 of the IPC (Section 506 IPC added later on) and Sections 25/27/54/59 of the Arms Act, 1959 registered at Police Station Goindwal Sahib, District Tarn Taran, and all other consequential proceedings arising therefrom on the basis of the compromise.

On 21.08.2017, this Court had passed the following order:-

“The petitioners are seeking quashing of FIR No.64 dated 03.06.2017 under Sections 341/323/379-B/336/148/149 IPC (Section 506 IPC added later on) and Sections 25 /27 of Arms Act registered at Police Station Goindwal Sahib, District Tarn Taran, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners contends that FIR was registered due to misunderstanding, which has now been resolved with the intervention of respectables and the matter has been compromised.

Learned counsel further contends that a co-ordinate Bench

of this Court by the order dated 17.11.2015 passed in CRM No. M-32684 of 2015 has quashed the FIR registered under Section 379-B IPC, on the basis of compromise.

Issue notice to the respondents, returnable on 12.09.2017. Mr. Ramesh K. Dhiman, Advocate, has put in appearance on behalf of respondent No.2 and states that the matter has indeed been compromised.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court on 30.08.2017. The Illaqa Magistrate/ trial Court shall record their statements with regard to genuineness of the compromise as to whether compromise has been effected between the parties without any undue influence or coercion and send its report to this court before the next date of hearing.”

Pursuant to the aforesaid order, report dated 05.09.2017 was received from the Sub Divisional Judicial Magistrate 1st Class, Khadur Sahib, to the effect that accused Balwinder Singh, Gagan Singh @ Gagandeep, Jarman @ Bhola and Kulwinder Singh stated that the matter has been compromised without any threat, influence. It was also stated therein that the statement of accused Kulwinder Singh could not be recorded as he was in custody. Thereafter, this Court, vide order dated 12.09.2017, requested the learned Sub Divisional Magistrate, Khadur Sahib, to issue production warrant of the said accused so that his statement could be recorded with regard to the compromise. Pursuant to the said order, report dated 31.10.2017 has been received from the Sub Divisional Judicial Magistrate, Khadur Sahib. The relevant part of the said report is as under:-

“I have gone through the statement given by the parties and posed various questions to them I am satisfied that

compromise has been effected between the parties without any pressure, undue influence or coercion of anyone. The same is genuine and voluntary. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony.”

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.

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.64, dated 03.06.2017, under Sections 341, 323, 379-B, 336, 148, 149 of the IPC (Section 506 IPC added later on) and Sections 25/27/54/59 of the Arms Act, 1959 registered at Police Station Goindwal Sahib, District Tarn Taran, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 09, 2022

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**(AMAN CHAUDHARY)
JUDGE**

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