

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

287

CRM-M-18608-2022
Decided on : 11.07.2022

Gurpal Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Harneet Singh Oberoi, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Nishad Ahuja, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 108 dated 09.08.2020 under Sections 307, 452, 324, 323, 148 and 149 of the Indian Penal Code, 1860 (Sections 307 and 452 IPC have been deleted later on) registered at Police Station Satnampura, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 05.05.2022, the following order was passed:

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.108 dated 09.08.2020 registered under Sections 307, 452, 324, 323, 148, 149 of the Indian Penal Code, 1860 (Sections 307 and 452 of IPC have been deleted later on) at Police Station Satnampura, District Kapurthala (Annexure

P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that in the present case, although, there were three accused persons but however, two accused persons have filed the present petition 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 11.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Chitrangda Singh, Advocate for Mr. Nishad Ahuja, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 1 month.

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 said order, a report has been submitted by the Judicial Magistrate 1st Class, Phagwara, Kapurthala to the

Deputy Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Therefore report is as under:

- 1. There are three accused namely Gurbal Singh @pala son of Resham Singh, Sher Singh Shera son of Santokh Singh and Ajay son of Surinder Ram and some 3-4 unknown person were arrayed as accused.*
 - 2. None of the accused persons/petitioners were declared as proclaimed offender in the present FIR.*
 - 3. Yes, the compromise is genuine, voluntary and without any coercion or undue influence.*
 - 4. No accused persons/petitioner are involved in any other FIR.*
 - 5. As per statement of the Investigation Officer there is only one victim/complainant in the present FIR.*
- The report is accordingly submitted please.*

Thanking you.”

A perusal of the said report would show that 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. As per the said report, it has been observed that the petitioner was never declared as proclaimed offenders in the present case.

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 bring out peace and amity between the parties.

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”***, 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. 108 dated 09.08.2020 under Sections 307, 452, 324, 323, 148 and 149 of the Indian Penal Code, 1860 (Sections 307 and 452 IPC have been deleted later on) registered at Police Station Satnampura, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

July 11th 2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No