

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.253

CRM-M-19501-2022

Date of Decision: 05.09.2022

Beant Singh alias Bittu & 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. Sandeep Sharma, Advocate,
for respondents No.2 & 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of Criminal Complaint No.9/2016, dated 04.05.2016/SC-79/13.11.2019, under Sections 326, 325, 324, 323, 148 and 149 IPC, titled 'Jagmohan Singh V/s Beant Singh and others', pending before the learned Additional Sessions Judge, Moga, and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 14.12.2021 (Annexure P-3).

On 10.05.2022, this Court had passed the following order:-

“Prayer in this petition is for quashing of impugned complaint and all the subsequent proceedings arising therefrom, on the basis of compromise.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent No.1 while Mr. Sandeep Sharma, Advocate has appeared on behalf of respondents No.2 & 3.

List again on 27.05.2022.

In the meantime, parties are directed to appear before the trial Court/Illaqa Magistrate for recording their statements with regard to compromise

The trial Court/Illaqa Magistrate 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 in FIR,*
- 2. Whether any accused is proclaimed offender, and*
- 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.”*

Pursuant to the aforesaid order, report dated 13.06.2022 has been received from Additional District & Sessions Judge, Moga. The relevant paragraph of the said report is as under:-

“1. The present case is a complaint case and there are six persons arrayed as accused.

2. As statement of Investigating Officer, of cross version case bearing FIR No.71, dated 30.09.2015 under Sections 308, 452, 323, 148 and 149 IPC, PS Smalsar, no accused is declared as proclaimed offender.

3. In the light of statements suffered by both the parties, this Court seems that compromise effected between the parties is genuine, voluntarily and without any coercion and under influence.

4. As statement of investigating officer of cross version case bearing FIR No.71, dated 30.09.2015 under Sections 308, 452, 323, 148 and 149 IPC, PS Smalsar, there is no

other FIR is pending against any accused.

5. The present case is a complaint case filed by Jagmohan Singh with regard to the occurrence in which he (Jagmohan Singh complainant) and his father Baljinder Singh(victim) received injuries as mentioned in the complaint.

Report is submitted for favour of consideration by Hon'ble High Court alongwith original statements of the parties

Thanking you

Yours faithfully,

*(Harjeet Singh)
Additional District & Sessions Judge,
Moga”*

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 six 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 Criminal Complaint No.9/2016, dated 04.05.2016/SC-79/13.11.2019, under Sections 326, 325, 324, 323, 148 and 149 IPC, titled 'Jagmohan Singh V/s Beant Singh and others', pending before the learned Additional Sessions Judge, Moga, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

05.09.2022

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**(AMAN CHAUDHARY)
JUDGE**

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