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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-16097-2019

Date of decision : 27.07.2022

Raminder Singh @ Robin and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashok Paul Batra, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Raghav Goyal, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.9 dated 18.01.2019 registered under Sections 307 and 34 of the Indian Penal Code, 1860 at Police Station City I Abohar, District Fazilka and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.05.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Ms. Navsangeet Sidhu, Advocate appears on behalf of respondent Nos.2 and 3 and admits the factum of compromise.

Accordingly, the private parties are directed to

appear before the trial Court/Illaqa Magistrate on or before 12.06.2019 for recording their statements with regard to compromise/settlement. 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.*
- 3.Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case 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.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 24.09.2019.

Sd/-(MANOJ BAJAJ)

JUDGE

May 28, 2019”

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Abohar. The relevant portion of the said report is reproduced hereinbelow:-

“3. In the said back ground keeping in view the statements so suffered by the complainant, victim/injured as well as accused persons, it seems that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence. It is further submitted that as per the statement of the 10 ASI Krishan Lal, No. 943FZK. PS City 1, Abohar who was summoned by the court of undersigned for 15.6.2019, total three persons named above arrayed as accused in the present FIR and

further no accused in the present case has been declared as proclaimed offender and no accused person is involved in any other case. Further one complainant namely Santosh @ Sant Bahadar and one victim namely Sonu only are involved in the present FIR.

Submitted please.

Yours faithfully,

Sd/- (Harpreet Singh)

Sub Divisional Judicial Magistrate

Abohar (U.I.D. PB0290)”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent Nos.2 and 3 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 bringing out peace and amity between the two parties.

Learned counsel for the parties are ad idem that in the present case, there is no injury which has been declared to be dangerous to life and

thus, prima facie offence under Section 307 of IPC is not made out.

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**”, reported as **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**”, reported as **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.9 dated 18.01.2019 registered under Sections 307 and 34 of the Indian Penal Code, 1860 at Police Station City I Abohar, District Fazilka and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

27.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No