

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.261

CRM-M-18758-2022

Date of Decision: September 13, 2022

Gursewak Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. Monika Thakur, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Ms. Geeta Rani, Advocate for

Mr. Archit Adlakha, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.60, dated 27.06.2020, under Sections 323, 341, 324, 506, 148 and 149 of the IPC, registered at Police Station Doraha, District Khanna, Ludhiana, and all other consequential proceedings arising therefrom on the basis of the compromise.

On 05.05.2022, this Court had passed the following order:-

“Prayer in this petition is for quashing of the FIR in question on the basis of the compromise entered into between the parties.

Notice of motion.

At this stage, Mr. A. A. Pathak, Addl. A.G., Punjab and Mr. Archit Adlakha, Advocate put in appearance and accept notice on behalf of the respondent-State and respondent No. 2/complainant.

Learned counsel for respondent No. 2/complainant admits to the factum of compromise entered into between the parties.

List again on 13.09.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

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,*
- 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 09.09.2022 has been received from the Sub Divisional Judicial Magistrate, Payal. The relevant portion of the said report is as under:-

“In view of the statement of the parties, I am of the view that compromise has been effected between the parties voluntarily and without any coercion and undue influence from any quarter. There are total four accused in the present case as per the statement of Investigating Officer. No accused is declared proclaimed offender and accused are not involved in any other case. As per the statement of investigating officer, there are two complainant/victim in the present case namely Tejinder Singh and Harbans Kaur. ”

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 four 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 the accused are not involved in any other case.

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.60, dated 27.06.2020, under Sections 323, 341, 324, 506, 148 and 149 of the IPC, registered at Police Station Doraha, District Khanna, Ludhiana, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 13, 2022

sarita

(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No