

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.246

CRM-M-18658-2022

Date of Decision: August 18, 2022

Sukhchain Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Gagandeep Singh Simble, Advocate for the petitioners.

Mr. R.S. Khaira, AAG, Punjab.

Ms. Deepshivjyot Mann, Advocate
for respondent Nos.2 & 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.68, dated 12.07.2020, under Sections 452, 380, 427, 341, 506, 149, 149 of the Indian Penal Code and Sections 25 & 27 Arms Act, 1959, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 11.04.2022 (Annexure P-2).

On 04.05.2022, this Court had passed the following order:-

“The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.68 dated 12.07.2020 under Sections 452, 380, 427, 341, 447, 506, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station, Fatehgarh Churian, Police District Batala, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise deed dated 11.04.2022 (Annexure P-2) effected between the

parties. Notice of motion. At this stage, Mr. Amitoj Singh Dhaliwal, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. Mr. Deepshivjot Mann, Advocate, appearing on behalf of respondents No.2 and 3 admits the execution of compromise deed dated 11.04.2022 (Annexure P-2) and filed his Power of attorney in the Court today which is taken on record. The parties are directed to appear before the Illaqa Magistrate/trial Court on 24.05.2022 or any other date convenient to the Court for recording their respective statements with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:- (i) Number of persons arrayed as accused in FIR; (ii) Whether any accused is proclaimed offender; (iii) The stage of trial/proceedings; (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence. (v) Whether the compromise has been effected with all the accused persons and with all the complainant(s)/injured. To come up on 18.08.2022 for further consideration. Reply by respondent No.1-State be filed on or before the next date of hearing, if so desired.”

Pursuant to the aforesaid order, report dated 26.05.2022 has been received from Judicial Magistrate Ist Class, Batala. The relevant paragraph of the said report is as under:-

“5. In compliance of the aforesaid order dated 04.05.2022 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of undersigned is as follows:-

1. There are four persons namely Sukhchain Singh son of Ajit Singh, Shivkirat Singh @ Shavkirat Singh son of

Sukhchain Singh, Harkirat Singh son of Paramjit Singh all residents of Ward no.11, Fatehgarh Churian, Arrayed as accused in the present FIR.

2. None of the accused is declared as proclaimed offender.

3. Challan in the present case has been presented and the case is fixed for consideration on charge.

4. In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, and is not the result of any pressure or coercion.

5. The compromise has been effected between all the accused persons and both the complainants.

As such, report is submitted, accordingly for the kind perusal of your goodself.

*Yours faithfully,
(Manpreet Sohi)
Judicial Magistrate 1st Class,
Batala. 25.05.2022
UID No.PB0431”*

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.

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 FIR No.68, dated 12.07.2020, under Sections 452, 380, 427, 341, 506, 149, 149 of the Indian Penal Code and Sections 25 & 27 Arms Act, 1959, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 18, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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