

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18883-2022

Date of Decision: September 19, 2022

Nirmal Singh @ Nima and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. T.S. Hundal, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.37, dated 19.04.2022, under Sections 452, 323, 427, 148 and 149 of IPC, registered at Police Station SGN Dev Thermal Plant, Bathinda, District Bathinda and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 28.04.2022 (Annexure P-2).

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. T. S. Hundal, 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 19.09.2022

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/Illaga 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 27.05.2022 has been received from Judicial Magistrate Ist Class, Bathinda. The relevant paragraph of the said report is as under:-

1	<i>Number of persons arrayed as accused in FIR.</i>	<i>As per the statement of Investigating officer HC Pritam Singh, No.163 Bathinda, P.S.Thermal Bathinda, the present FIR was registered against accused persons namely Nirmal Singh @ Nima, Binder Singh @ Davinder Singh, Kala Singh @ Sukhwinder Singh and five unknown persons on the statement of complainant Danish Khan. No other person except above are arrayed as accused.</i>
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2	<i>Whether any accused is proclaimed offender, and</i>	<i>As per the statement suffered by Investigating officer, HC Pritam Singh. No.163/Bathinda, P.S. Thermal Bathinda and also as per judicial record, accused Nirmal Singh @ Nima, Binder Singh @ Davinder Singh, Kala Singh @ Sukhwinder Singh against whom abovesaid FIR registered by name, are not proclaimed offender nor ever declared proclaimed offender by the court.</i>
3.	<i>Whether the compromise is genuine, voluntary and without any coercion or undue influence.</i>	<i>In view of statement suffered by complainant Danish Khan and accused Nirmal Singh @Nima, Binder Singh @ Davinder Singh, Kala Singh @ Sukhwinder Singh, it is hereby submitted that the trial Court is satisfied that the compromise arrived between the complainant and accused is genuine, voluntary and without any coercion and undue influence.</i>
4.	<i>Whether the accused persons are involved in any other FIR or not?</i>	<i>In view of statement of the investigating officer HC Pritam Singh, the accused persons are not involved in any other FIR or criminal case.</i>
	<i>The Trial court is also directed to record the statement of the Investigating Officer as to how many victims/complaints are there in the FIR</i>	<i>In view of statement suffered by Investigating officer HC Pritam Singh, there is only one complainant/victim namely Danish Khan in FIR No.37 dated 19.4.2022 under Sections 452,323,427,148,149 of Indian Penal Code, at Police Station SGN Dev Thermal, Bathinda</i>

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 three 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.37, dated 19.04.2022, under Sections 452, 323, 427, 148 and 149 of IPC, registered at Police Station SGN Dev Thermal Plant, Bathinda, District Bathinda and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 19, 2022

Sangeeta

**(AMAN CHAUDHARY)
JUDGE**

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