

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

283

CRM M-19161-2022 (O&M)
Date of Decision: July 26, 2022

Preetinder Singh

...Petitioner

Vs.

State of Punjab & another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. G.B.S. Gill, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.10 dated 14.01.2022, registered under Sections 379-B and later of added Section 201 of the Indian Penal Code, 1860 at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

On 24.05.2022, this Court was pleased to pass the following order:-

“ Learned counsel for the parties has submitted that one last opportunity be granted to the parties to get their statements record before the Illaqa Magistrate/trial Court.

Adjourned to 26.07.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 6 weeks from today.

The Illaqa Magistrate/trial Court 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.*
- 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.”*

However, since the statements of the parties could not be recorded as they had not appeared before the Illaqa Magistrate/trial Court in spite of the direction given, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs. 5,000/- which shall be deposited by the petitioner in the bar Clerks Association, Punjab and Haryana High Court, Chandigarh, within a period of 6 weeks from today.

The trial Court shall only record the statements of parties on production of receipt of the said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

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

“After evaluating the statements of the parties, the report on the enumerated aspects submitted as under:-

Number of accused arrayed in the present FIR?

Perusal of the file and as per the statement of the IO HC Tejinder Singh No.545/SGR, there is only one accused person arrayed in the present FIR namely Preetinder Singh.

Whether any accused is declared as proclaimed offender?

Perusal of the file and as per the statement of the IO HC Tejinder Singh No.545/SGR, the said accused has not been declared as PO in the present FIR by any Hon'ble Court.

Whether the compromise is genuine, voluntarily and without any coercion or undue influence?

The complainant stated that the matter has been compromised between them with free will, voluntarily without any coercion or undue influence.

Whether the accused persons are involved in any other FIR or not?

As per the statement of IO HC Tejinder Singh No.545 /SGR, the said accused namely Preetinder Singh is not involved in any other FIR.

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?

As per the statement of IO HC Tejinder Singh No.545/SGR, there is no other victims/complainants persons in the said FIR.

Therefore, from the statement of the complainant, it is concluded that the compromise so effected between the

parties is genuine, voluntarily and without any coercion or undue influence.

Hence report submitted accordingly, please.

Thanking you.

Yours faithfully,

Sd/- (Suresh Kumar

Judicial Magistrate Ist Class,

Malerkotla (Duty Magistrate)

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

Learned counsel for respondent No.2 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.

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 petitioner 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.10 dated 14.01.2022, registered under Sections 379-B and later of added Section 201 of the Indian Penal Code, 1860 at Police Station Sadar Dhuri, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

Costs of Rs.5000/- as imposed vide order dated 24.05.2022 passed by this Court has been deposited by the petitioner in Punjab & Haryana High Court Bar Clerks Association, Chandigarh.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

July 26, 2022
amit rana

(VIKAS BAHL)
JUDGE

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