

236-A

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

CRM-M-33511-2018 (O&M)

Date of decision : 30.09.2022

Rajwinder Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Bhandohal, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Gurjant Singh, respondent No.2 in person.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.111 dated 03.07.2018 registered under Sections 447, 511, 427, 120-B, 148, 149, of the Indian Penal Code, 1860 at Police Station Lalru, District SAS Nagar and all the subsequent proceedings arising therefrom.

On 15.09.2022, this Court had passed the following order:-

“CRM-33643-2022

To be taken up with the main case.

CRM-30646-2022

Notice in the application for 30.09.2022, the date already fixed in the main case.

Learned counsel for the applicants-petitioners has pointed out that earlier petition was filed on merits and during the pendency of the main petition, a compromise has

been effected between the parties and the compromise has been annexed as Annexure P-21 and even CRM-30646- 2022 has been filed for amendment of the title clause and prayer clause of the main petition.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

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. ”*

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

“In view of the above said order, all the accused/Petitioners namely Rajwinder Kaur, Manjit Kaur, Jagtar Singh, Harjeet Singh, Kamaldeep Singh, Gurmukh Singh, Sardara Singh, Harjinder Singh, Pritam Singh, Balbir Singh, Dalvir Singh, Parvinder Singh, Harvinder Singh (Harinder Singh S/o Dalvir Singh) and Manjit Singh & complainant Gurjant Singh came present alongwith their respective counsels in the court and statements of both the parties have been recorded on 17.09.2022. After going through the statements of the parties and compromise dated

17.05.2022 i.e. Mark P2, it is observed that the matter has been compromised between the parties voluntarily. All the grievances have been settled amicably between the parties without any coercion or undue influence.”

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. Learned counsel for the State, as per instructions has stated that the said fact is correct.

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.111 dated 03.07.2018 registered under Sections 447, 511, 427, 120-B, 148, 149, of the Indian Penal Code, 1860 at Police Station Lalru, District SAS Nagar and all the subsequent proceedings arising therefrom, on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

30.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No