

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

271

CRM-M-21535-2021
Decided on : 20.04.2022

Ranjit Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Manpreet Singh, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Yash Pal Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 112 dated 30.12.2018 under Sections 323, 324, 341, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Ghuman, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 02.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 24.12.2021.

At this stage, Mr. Balbir Singh Sewak, Addl. AG, Punjab, accepts notice on behalf of respondent No.1-State.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

- (i) The petitioners shall move an application before the trial Court/Ilaqa Magistrate concerned for recording statement of the petitioner as well as of the complainant qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Ilaqa Magistrate, the trial Court/Ilaqa Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Ilaqa Magistrate to either record the statement of the parties by physical process, if found convenient and safe subject to adherence of all the safeguards as prescribed by the health authorities or record the same by video conferencing.*
- (ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.*

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Ilaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there

being any kind of influence or coercion.

The trial Court/Illaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition.

(ii) Whether there is any other complainant or affected/ aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court on or before the next date of hearing.

Sd/-
(GURVINDER SINGH GILL)
JUDGE”

02.07.2021

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Batala to the Deputy Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“It is submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence. It is further submitted that as per version of IO there are total nine accused persons in the present case (five accused persons are by name and four are unknown) and no accused person has been declared as proclaimed offender and in this FIR there is only one victim/complainant Hardip Singh aged about 51 years son of Jagir Singh resident of Village Pandori, PO Ghoman, Tehsil Batala District

Gurdaspur. It is further submitted that no other Fir is pending against accused persons. This is for kind perusal please.

Submitted please,”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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.

As per the above-reproduced report, there are nine accused persons in the present case but, however, only five accused were named and four accused were stated to be unknown and thus, it is five named persons who have approached this Court by filing the present petition. Learned counsel for respondent No. 2 has reiterated the factum of compromise and has submitted that he has no objection in case the entire FIR is quashed.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are 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”, 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”, 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. 112 dated 30.12.2018 under Sections 323, 324, 341, 506, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Ghuman, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 20th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No