

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21645-2021

Date of decision:29.09.2022

Sandeep Kumar @ Jony and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gunjeet Brar, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Armaan Gagneja, Advocate for respondents No.2 to 4.

VIKAS BAHL, J.(ORAL)

This petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.27 dated 14.02.2021, under Sections 323,324,364,148,149 of the IPC; Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City, District Muktsar Sahib, and DDR No.48 dated 15.02.2021 under Sections 25/27/54/59 of the Arms Act and Sections 323,324,365,148,149 of IPC, P.S. City Muktsar, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom on the basis of compromise dated 10.03.2021 (Annexure P-3).

On 19.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Instant petition has been filed under Section 482 of Cr.P.C. for seeking quashing of FIR No.27 dated 14.02.2021, under Sections 323, 324, 364, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station: City, District Muktsar Sahib, and DDR No.48 dated 15.02.2021, under Sections 25/27/54/59 of Arms Act and under Sections 323, 324, 365, 148, 149 of IPC, P.S. City Muktsar,

District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 10.03.2021 (Annexure P-3).

Notice of motion.

Ms. A.K. Khurana, DAG, Punjab appears and accepts notice on behalf of respondent-State.

Learned counsel appearing on behalf of the complainant admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 11.05.2022 or any other date convenient to the Court for recording their statements as to genuineness of the compromise executed between the parties.

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 for further consideration on 01.08.2022.

Response, if any, may also be filed by the State on or before the adjourned date.

19.04.2022

(VINOD S. BHARDWAJ)
JUDGE”

In pursuance to the said order, a report has been submitted by

Chief Judicial Magistrate, Sri Muktsar Sahib. The relevant portion of the

said report is reproduced hereinbelow:-

“The undersigned has carefully gone through the statements got recorded by the complainant and accused. Ex-facie, it transpired from the statements of the parties (recorded before the undersigned) duly identified by their respective counsels that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.”

A perusal of the above said report would show that the

petitioners and respondents No.2 to 4 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondents No.2 to 4 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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.27 dated 14.02.2021, under Sections 323,324,364,148,149 of the IPC; Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City, District Muktsar Sahib, and DDR No.48 dated 15.02.2021 under Sections 25/27/54/59 of the Arms Act and Sections 323,324,365,148,149 of IPC, P.S. City Muktsar, District Sri Muktsar Sahib along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

29.09.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

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