

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21367-2021 (O&M)

Date of decision:21.09.2022

Baljinder Kaur @ Kake and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Dadwal, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Umesh Kumar Kanwar, 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.50 dated 22.01.2018 under Sections 420,495,120-B IPC, registered at Police Station Sadar Jagraon, District Ludhiana Rural (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 20.05.2021 (Annexure P-2).

On 08.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case heard via video conferencing.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between them and respondent no. 2, of FIR no.50 dated 22.01.2018, registered at Police Station Sadar Jagraon, District Ludhiana, for the alleged commission of offences punishable under the provisions of Sections 420/495/120-B of the IPC, as also all other subsequent proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of respondent no.1, with Mr. Umesh Kanwar, Advocate, appearing for respondent

no.2. He will file a power of attorney duly executed by respondent no. 2 in his favour well before the next date of hearing.

A copy of the petition be emailed to both learned counsel by counsel for the petitioners today itself.

Adjourned to 01.10.2021.

In the meanwhile, the petitioners, as also respondent no. 2, would appear before the learned trial court/Ilaqa Magistrate upto 23.08.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/ herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases registered against the petitioners, of like nature or otherwise.

July 08, 2021

*(AMOL RATTAN SINGH)
JUDGE”*

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

Sub Divisional Judicial Magistrate, Jagraon. The relevant portion of the said

report is reproduced hereinbelow:-

“After going through the statements of the parties, this Court is satisfied that respondent No.2 namely Rajpreet Singh has effected compromise with petitioners Baljinder Kaur @ Kake, Ravinder Singh @ Bindu, Surinderpal Singh, Sarabjit Kaur @ Sarabjit Kaur Sharma, Tara Singh @ Tara Singh Cheema, Surjit Kaur, Jinderpal Kaur @ Jinder Kaur with his own free will and without any coercion or pressure from any corner and same is found to be genuine.

xxx xxx

xxx xxx

So, as per statements recorded, it is clear that there is no other person involved in the occurrence, who is not a party to the present petition, as petitioners No.4 to 7 namely Sarabjit Kaur @ Sarabjit Kaur Sharma, Tara Singh @ Tara Singh Cheema, Surjit Kaur and Jinderpal Kaur @ Jinder Kaur, who are party in the instant petition through attorney petitioner No.1 Baljinder Kaur @ Kake, who got recorded their statement through petitioner No.1 Baljinder Kaur @ Kake. As per the statement of the parties, the complainant/respondent No.2 Rajpreet Singh is the only aggrieved person in the

present case and there are no other criminal cases registered against the petitioners.

Accordingly, report is being submitted to your good-self for further proceedings.

Submitted please.

Your's sincerely,

Suman Pathak,

*Sub Divisional Judicial Magistrate,
Jagraon.”*

A perusal of the above said report would show that the petitioners and complainant/respondent No.2 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 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 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.50 dated 22.01.2018 under Sections 420,495,120-B IPC, registered at Police Station Sadar Jagraon, District Ludhiana Rural (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Pending application, if any, stands disposed of in view of the above said order.

21.09.2022

Ishwar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No