

245

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

CRM-M-17362-2019

Date of decision : 10.10.2022

Pritam Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sherry K. Singla, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.37 dated 20.03.2013 registered under Sections 406, 420, 506 of the Indian Penal Code, 1860 at Police Station City Ahmadgarh, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 29.04.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion.

On the asking of Court, Ms. Monika Jalota, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Himanshu Puri, Advocate has appeared and filed memo of appearance on behalf of respondent No.2.

Copies of complete paper-book be supplied to learned State counsel and learned counsel for respondent No.2 during the course of the day.

Service is complete.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 submits that compromise has been effected between the parties.

Now the parties are directed to appear before learned trial Court where the case is pending on 20.05.2019 and to get recorded their statements regarding compromise and after recording their statements, the trial Court is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e. 04.07.2019.

A copy of this order be sent to learned trial Court through FAX for compliance.

29.04.2019

Sd/- (INDERJIT SINGH)

JUDGE”

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:-

“Respected Sir,

Kindly refer to the subject cited above. I have the honour to report that in compliance of order referred above, statement of complainant as well as accused were recorded. In view of the statements suffered by the complainant as well as accused, this court is of the opinion that the matter in dispute qua FIR referred above has been compromised between the parties with the intervention of respectable, relatives. The compromise is genuine, voluntary and without any coercion and undue influence. The statements of parties, in original, are attached herewith. Report is submitted, please

Thanking you.

Yours faithfully,

Encl: As above

Sd/- (Gurmentab Singh), PCS.

Judicial Magistrate 1st Class

Malerkotla. UID PB0473”

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. 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 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.37 dated 20.03.2013 registered under Sections 406, 420, 506 of the Indian Penal Code, 1860 at Police Station City Ahmadgarh, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

10.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No