

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34413-2017 (O&M)

Date of Decision: September 20, 2022

Baljinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Mohit Sadana, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 of Cr.P.C. for quashing of order dated 08.08.2017 passed by learned Additional Sessions Judge, Sangrur along with order dated 09.06.2016 passed by learned Chief Judicial Magistrate, Sanguru in the FIR No.365, dated 19.11.2013, under Section 420 IPC, registered at Police Station City Sangrur and all other consequential proceedings arising therefrom on the basis of the compromise.

On 06.04.2021, this Court had passed the following order:-

“Vide these applications, advancement of the date of hearing in the accompanying petitions is sought.

Vide the accompanying petition, the petitioners seek the quashing of the order dated 08.08.2017 passed by the learned Addl. Sessions Judge, Sangrur, as also the order dated 09.06.2016 passed by the learned Chief Judicial Magistrate, Sangrur, upon FIR no.365, dated

19.11.2013, having been registered at Police Station City Sangrur, alleging therein the commission of offences punishable under Section 420 of the IPC, wherein the petitioner has been summoned to face trial as an accused after an application was filed under the provisions of Section 319 of the Cr.P.C.

Learned counsel for the applicants-petitioners submits that the matter has been compromised by the petitioners with all persons who claimed to be affected by the occurrence/series of transactions.

Without making any comment on the correctness of that statement, all the petitioners, as also the complainant in the FIR and all those affected therein, would appear before the learned Area Magistrate/trial court on 17.05.2021 to record their statements.

That Court would satisfy itself 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 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.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.

Respondent no.3 be served by way of normal process.

Adjourned to 20.07.2021.

A photocopy of this order be also placed on the file of the other connected case. ”

Pursuant to the aforesaid order, report dated 09.09.2021 has been received from Judicial Magistrate Ist Class, Sangrur. The relevant paragraph of the said report is as under:-

“a. The two accused were facing the trial in this case and out of which one accused namely Navtej Singh was died and proceeding against him had been abated vide order dated 31.10.2019.

b. There are seven complainants in this case namely Harjit Singh, Shavinder Kumar, Simranpreet, Sanjeev Kumar, Ravinder Goyal, Narinder Kumar and Major Singh. Other than these complainants and the accused Baljinder Kaur, there is no other person affected or involved in the occurrence.

c. The compromise between the complainants and the accused Baljinder Kaur has already been arrived at voluntarily, without any kind of undue influence or pressure. The compromise as entered between the parties is authentic.

d. There is no other criminal case of like nature or otherwise, pending against the accused Baljinder Kaur.

e. Apart from the aforementioned complainants and accused, there is no other person involved or affected by the occurrence and no consent would be required from any person other than the aforementioned complainants and accused.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there is one accused person namely Baljinder Kaur and the other accused namely Navtej Singh has died and the compromise effected

between the parties is genuine and has been arrived at between them without any pressure or coercion.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner-Baljinder Kaur and the complainants as the other petitioner namely, Navtej Singh has died. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and order dated 08.08.2017 passed by learned Additional Sessions Judge, Sangrur along with order dated 09.06.2016 passed by learned Chief Judicial Magistrate, Sangrur in the FIR No.365, dated 19.11.2013, under Section 420 IPC, registered at Police Station City Sangrur and all other consequential proceedings arising therefrom, is quashed qua the petitioner.

September 20, 2022
Sangeeta

(AMAN CHAUDHARY)
JUDGE

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