

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19885-2022

Date of decision:21.09.2022

Manpreet Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Veneet Sharma, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. P.B.S. Goraya, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.41 dated 22.11.2019 under Sections 406 and 498-A IPC, registered at Police Station Women, Amritsar City, District Amritsar (Annexure P-1) along with all other consequential proceedings arising therefrom, on the basis of compromise dated 26.04.2022 (Annexure P-2) arrived at between the parties.

On 16.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion.

Ms. Gunkirat Kaur, AAG, Punjab and Mr. P.G.S. Goraya, Advocate accept notice on behalf of respondent No.1 and respondent No.2, respectively.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of FIR No.41 dated 22.11.2019 registered under Sections 406 and 498-A IPC at

Police Station Women, Amritsar City, district Amritsar on the strength of a written compromise (Annexure P-2) entered into between the parties.

The petitioners as also respondent No.2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 06.07.2022 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate/Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 21.09.2022.

16.05.2022

(DEEPAK SIBAL)
JUDGE”

In pursuance to the said order, a report has been submitted by Civil Judge (Jr. Divn.)-cum-Judicial Magistrate First Class, Amritsar. The relevant portion of the said report is reproduced hereinbelow:-

“3. From the statement of Complainant Rupinder Kaur so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner. As per statement of parties and investigating officer, all the accused are party to the compromise and none of the accused have been declared as proclaimed offender. The investigating officer has also reported that except present FIR, the accused are not involved in any other criminal case.

4. xxxx xxxx

5. xxxx xxxx

Accordingly, the report is being submitted.

Thanking you,

Yours faithfully,

*(Tushar Kaur Thind, PCS)
Judicial Magistrate First Class
Amritsar. UID PB0466”*

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.

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.41 dated 22.11.2019 under Sections 406 and 498-A IPC, registered at Police Station Women, Amritsar City, District Amritsar (Annexure P-1) along with all other consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

21.09.2022

Ishwar

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