

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21826-2021

Date of Decision: September 15, 2022

Jagmeet Singh @ Meeta and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. Ramandeep Kaur, Advocate for
Mr. Varinder Basa, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.146, dated 19.11.2020, under Sections 452, 336, 506, 323, 148 and 149 of IPC, registered at Police Station Qila Lal Singh, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 11.05.2021 (Annexure P-2).

On 11.11.2021, this Court had passed the following order:-

“Learned State counsel on instructions from ASI Ranjit Singh has stated that offence punishable under Arms Act, 1959 has been deleted through DDR No.16 dated 27.08.2021.

The private parties are directed to appear before the trial Court/Illaq Magistrate on or before 16.12.2021 for recording their statements with regard to compromise/settlement. Trial Court/Illaq

Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-

1.Number of persons arrayed as accused in FIR.

2. Whether any accused is proclaimed offender?

3.Whether the compromise is genuine, voluntary and without any coercion or undue influence?

4. Whether the accused persons are involved in any other case or not?

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR?

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 01.02.2022. ”

Pursuant to the aforesaid order, report dated 12.01.2022 has been received from Judicial Magistrate Ist Class, Batala. The relevant paragraph of the said report is as under:-

“It is humbly submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence. It is further submitted that as per version of IO there are total twelve accused persons in the present case out of which eight accused persons arraigned by name and four others are unknown. It is further submitted that no accused person has been declared as proclaimed offender. It is further averred that in this case accused namely Jagmeet Singh @ Meeta S/o Preet Singh @ Preetam Singh R/o Village Mirzajan, Tehsil Batala District Gurdaspur is involved in other FIR bearing No. 46, dated 02.05.2017, U/s 392 IPC registered

at PS Kathu Nangal, District Amritsar (Rural) and in this FIR there is only one victim/complainant namely Birbal S/o Chattru Ram R/o Village Mirzajan, Tehsil Batala District Gurdaspur.”

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 are seven accused persons 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 petitioners and the complainants. 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 FIR No.146, dated 19.11.2020, under Sections 452, 336, 506, 323, 148 and 149 of IPC, registered at Police Station Qila Lal Singh, District Gurdaspur and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 15, 2022
Sangeeta

(AMAN CHAUDHARY)
JUDGE

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