

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20145-2022

Date of decision : 31.05.2022

Fateh Singh @ Kala

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sandeep Sharma, Advocate
for the petitioner.

Mr.M.S.Nagra, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.21 dated 06.02.2014 registered under Sections 237, 279, 338 IPC at Police Station Ajnala, Amritsar Rural, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise.

On 11.05.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.21 dated 06.02.2014 registered under Sections 237, 279, 338 of the Indian Penal Code, 1860 at Police Station Ajnala, Amritsar Rural, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that matter has been compromised and in the present case, Baldev Singh who was complainant has died in a separate incident and all the legal representatives of said Baldev Singh have been

impleaded and the compromise has been effected with them.

Notice of motion for 31.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Nitin Narula, Advocate appears on behalf of respondent Nos.2 to 5.

Learned counsel for respondent Nos.2 to 5 has reaffirmed the abovesaid facts as stated by learned counsel for the petitioner.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

The Illaqa Magistrate/trial Court 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.*
- 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 FIR 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.”*

In pursuance to the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Ajnala. The relevant portion of the said report is reproduced hereinbelow:-

“The report is hereby submitted as follows:-

- I) In the present FIR there is only one accused namely Fateh Singh @ Kala.*
- II) The accused persons has not been declared as proclaimed offender as per the statement of IO and accused.*
- III) The compromise is genuine, voluntary and without any coercion or undue influence.*
- IV) Accused Fateh Singh @ Kala is not having any other FIR as per statement given made by the abovesaid accused and IO.*
- V) Statemetn of the IO had been recorded and as per h is statement there is only one victim/complainant namely Baldev Singh (now deceased).*

Report is submitted as desired, please.

Yours faithfully,

*(Manpreet Kaur), PCS,
Sub Divisional Judicial Magistrate
Ajnala/ UID No:PB0367”*

A perusal of the above report would show that the complainant Baldev Singh had died in a separate incident and all the legal representatives of said Baldev Singh are impleaded in the petition as respondents no.2 to 5, i.e. Sukhbir Kaur, Harpreet singh, Manpreet Singh and Kiranjit Kaur. The petitioner and respondents no.2 to 5 have got their statements recorded with respect to compromise and the said statements are annexed along with the said report which have been found to be voluntary, genuine, and out of free will.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent nos.2 to 5 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 petitioner and respondents no.2 to 5. 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.

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.21 dated 06.02.2014 registered under Sections 237, 279, 338 IPC at Police Station Ajnala, Amritsar Rural, District Amritsar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

May 31, 2022.

Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No