

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20461-2022

Date of decision:21.09.2022

Sunil Rattan and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Mutal Singh Rana, Advocate for respondents No.2 & 3.

VIKAS BAHL, J.(ORAL)

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of DDR No.42 dated 31.7.2021 registered under Sections 323,324,341,506,148,149 IPC at Police Station Sadar Hoshiarpur District Hoshiarpur (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 19.04.2022 (Annexure P-3).

On 12.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of DDR No.42 dated 31.7.2021 registered under Sections 323, 324, 341, 506, 148, 149 IPC at Police Station Sadar Hoshiarpur District Hoshiarpur on the basis of compromise (Annexure P-3).

Notice of motion.

At this stage, Mr. Mitul Singh Rana, Advocate, accepts notice on behalf of the respondents No.2 & 3 and the power of attorney filed by him is taken on record and admitted the factum of compromise entered into between the parties. He further stated that he/she has no objection if this petition is allowed.

On the asking of this Court, Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the State.

In the light of the no objection on behalf of counsel for respondent Nos.2 & 3, the parties are directed to appear before the learned trial court/Illaq Magistrate on 12.7.2022 or any other date convenient to the Court and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with its report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 5. Total number of victims and their names.*

To come up on 21.9.2022 for awaiting the report.

The State counsel is also directed to verify about the factum of compromise by that date.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through electronic mode, for compliance.

12.05.2022

(KARAMJIT SINGH)
JUDGE”

In pursuance to the said order, a report has been submitted by

Additional Chief Judicial Magistrate, Hoshiarpur. The relevant portion of the said report is reproduced hereinbelow:-

- “i) Six accused persons namely Ranjit Singh @ Vicky, Sunil Rattan, Harwinder Pal @ Binder, Gurdeep Singh @ Bhola, Sameer Rattan, Jaswant @ Bagga son of Satpal are arrayed as accused in the present DDR.*
- ii) As informed by Investigating Officer no any accused is Proclaimed Offender in the present DDR.*
- iii) No trial/proceedings are pending before this court.*
- iv) The compromise is genuine, voluntary and without any coercion or undue influence.*
- v) As informed by the Investigating Officer Deepak Kumar and Monika Rani are aggrieved persons in the present DDR.*

7. From the statements of the complainant, I am satisfied that a volunteer and genuine compromise has been arrived at between the parties in the present FIR. The report is submitted please, along with statements of parties for further

proceedings.

*(Rupinder Singh),
Addl. Chief Judicial Magistrate,
Hoshiarpur.
(UID PB 0273)”*

A perusal of the above said report would show that the petitioners and respondents No.2 & 3 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 respondents No.2 and 3 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.

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 DDR No.42 dated 31.7.2021 registered under Sections 323,324,341,506,148,149 IPC at Police Station Sadar Hoshiarpur District Hoshiarpur (Annexure P-1) along with all 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