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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-2376-2021
Date of decision : 29.10.2022

Hardev Singh @ Kawaljit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.15 dated 24.02.2020 registered under Sections 365, 511, 34 of the Indian Penal Code, 1860 at Police Station Harike, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video-conferencing.

Prayer made in this petition is for quashing of FIR on the basis of compromise.

Notice of motion for 26.03.2021.

In the meanwhile, parties are directed to appear

before the trial Court/Illaqa Magistrate on 27.01.2021 and the trial Court/Illaqa Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

January 18, 2021

Sd/- (RAJ MOHAN SINGH)

JUDGE ”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Patti. The relevant portion of the said report is reproduced hereinbelow:-

“From the statement of both the parties it comes to my knowledge that parties have compromised the matter without any pressure or coercion in any manner because they want to live peacefully. Moreover, the complainant & accused stated that they know good/bad of themselves and stated that they have entered into compromise so as to bring home, peace and harmony. Therefore, the compromise made by the parties seems to be genuine and without any influence. My point wise report is as follow:

(I) As per statement of SI Hardial Singh, in the present FIR total two persons namely Hardev Singh @ Kawaljit Singh son of Ujjagar Singh & Darbara Singh son of Bakshish Singh both residents of village Harike, Tehsil Patti, District Tarn Taran have been involved as accused.

(II) No accused has been declared proclaimed offender in the present FIR. The identity of the parties were checked & returned and photocopies of same are taken on record for perusal of the Hon'ble High Court, Chandigarh.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

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**”, reported as **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**”, reported as **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 what has been discussed hereinabove, the petition is allowed and FIR No.15 dated 24.02.2020 registered under Sections 365, 511, 34 of the Indian Penal Code, 1860 at Police Station Harike, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No