

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21879-2022

Date of decision:21.10.2022

Jaswant Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kamal Narula, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

None for respondents No.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.66 dated 28.03.2022 registered under Sections 295-A, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1) along with all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.07.2022, this Court was pleased to pass the following order:-

“This is an application filed under Section 482 of Cr.P.C. for permission to record the statements of the parties before the trial Court in support of the compromise effected between the parties.

Learned counsel for the applicant/petitioners has submitted that the statements of the parties are yet to be recorded before the trial Court with respect to compromise effected between the parties and the main case is now listed for 21.10.2022 and thus, seeks permission of this Court to grant permission to the parties to get their statements recorded before the trial Court.

For the reasons stated in the application which is duly

supported by an affidavit of petitioner No.1, the same is allowed.

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

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.*

(VIKAS BAHL)

21.07.2022

JUDGE”

In pursuance to the said order, a report has been submitted by Judicial Magistrate 1st Class, Ferozepur. The relevant portion of the said report is reproduced hereinbelow:-

“In view of the above statements, the compliance report is submitted as under: -

- 1. Six accused namely Jaswant Kaur, Santokh Singh, Sukhwinder Kaur @ Sukhjinder Kaur, Sarwan Singh, Major Singh and Saraj Singh arrayed in the present FIR.*
- 2. None of the accused has been declared Absconding/ Proclaimed Offender in the present case.*
- 3. The compromise effected between the complainant and accused Jaswant Kaur, Santokh Singh, Sukhwinder Kaur @ Sukhjinder Kaur, Sarwan Singh, Major Singh and Saraj Singh seems to be genuine compromise and is a voluntary act of the parties without their being any sort of undue influence or coercion from any corner.*
- 4. The accused persons are not involved in any other FIR as per statement of Investigating Officer ASI Jaspal Chand.*
- 5. As per statement of Investigating Officer ASI Jaspal Chand No.553/FZR P.S Sadar Ferozepur, there are two complainants namely Sukhdev Singh and Lakvir Singh in the present FIR.”*

A perusal of the above said report would show that the

petitioners and respondents No.2 and 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.

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 FIR No.66 dated 28.03.2022 registered under Sections 295-A, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1) along with all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

21.10.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No