

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-22244-2022
Decided on : 02.06.2022

Kashmir Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Birinder Pal, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Sarabjot Singh Dhillon, Advocate
for respondents No. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 116 dated 16.08.2021 under Sections 323, 341, 452, 506, 509 and 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.05.2022, 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.116 dated 16.08.2021 registered under Sections 323, 341, 452, 506, 509, 34 of the Indian Penal Code, 1860 at Police Station Sadar Malout, District Sri Muktsar Sahib and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 02.06.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Sarabjot Singh Dhillon, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 7 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 of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Malout to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Therefore, in view of the above circumstances, as have arisen from the statements of the parties, the

following point-wise report is submitted as desired please:

- 1. there were four persons namely Kashmir Singh son of Ajaib Singh. Satwinder Singh son of Kashmir Singh, Kulvir Singh son of Ajaib Singh and Jaspreet Kaur wife of Kashmir Singh named as accused in the present FIR.*
- 2. As per the statement of SHO PS Sadar Malout, no accused person named in the present case have been declared as proclaimed offender; the accused persons are not involved in any other FIR. As per report, one complainant/injured namely Sukhdev Kaur and one victim/injured Simran Kaur are there in the FIR.*
- 3. The compromise, which has been entered into by the parties in this case, is genuine, voluntary and without any coercion or undue influence.*
- 4. The report alongwith, copies of statements of parties, statement of HC Nishan Singh, copy of compromise deed **Ex.C1**. copy of Andhaar Card of parties **Mark 1 to Mark 6** is submitted as desired please, for the kind consideration of the Hon'ble High Court of Punjab & Haryana at Chandigarh*

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners have been recorded in the case and they 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.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondents No. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 116 dated 16.08.2021 under Sections 323, 341, 452, 506, 509 and 34 of the Indian Penal Code,1860 registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

June 2nd, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No