

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-22435-2022 (O&M)

Date of decision:29.08.2022

Sukhjit Singh @ Nikka

....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

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

Mr. Vikas Arora, AAG, Punjab.

Mr. Mitul Singh Rana, Advocate for  
Mr. Mohit Shukla, Advocate for respondent No.2.

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**VIKAS BAHL, J. (ORAL)**

This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR No.127 dated 14.08.2018 registered under Sections 323, 325, 341, 506, 34 IPC at Police Station P.S. Sadar, Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise.

On 26.07.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioner has submitted that the petitioner has deposited cost of Rs.2500/- as directed vide order dated 02.06.2022, but has however submitted that it was on account of the fact that the petitioner had met with an accident that the parties could not get the statements recorded and seeks three weeks' time for recording the statement of the parties.*

*Adjourned to 29.08.2022.*

*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.*

*However, since the statement of the parties could not be recorded as the parties have not appeared before the Illaqa Magistrate/trial Court in spite of giving the direction, thus, three weeks' time is granted, subject to the payment of costs of Rs.2500/- which shall be deposited by the petitioner in the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh.*

*The trial Court shall only record the statements of parties on production of the receipt of said payment.*

*It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.*

26.07.2022

(VIKAS BAHL)  
JUDGE”

In pursuance of the said order, the report has been submitted by Judicial Magistrate 1<sup>st</sup> Class, Hoshiarpur to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

*“The original compromise produced before the court and the same is Ex.P-1. The receipt of Rs.2500/- dated 03.08.2022 and Rs.2500/- dated 19.07.2022 deposited with High Court Lawyers Welfare Funds produced before the court. The copy of Aadhar Card of complainant Tajinder Singh Ex.P-2. The copy of Aadhar Card of accused Sukhjot Singh is Ex.P-3. The complainant was identified by his counsel Shri Amar Malik, Advocate and the accused was identified by his counsel Ms. Vincy Malik, Advocate.*

*In view of the statement so made by complainant Tajinder Singh, I am of the considered opinion that parties have entered into compromise voluntarily and without any threat, coercion or pressure and their compromise is genuine one and complainant and injured have made their*

*statement in the Court voluntarily and without any pressure. The complainant has no objection if the FIR is quashed against accused. The original compromise, original receipt of cost, statement of complainant Tajinder Singh and statement of accused namely Sukhjit Singh, statement of Investigating Officer namely ASI Satnam Singh and copy of Aadhar Card of complainant and accused are enclosed herewith for kind perusal.*

*Submitted please.*

*Yours faithfully,*

*Rinky Agnihotri, PCS,  
Judicial Magistrate, 1<sup>st</sup> Class  
Hoshiarpur”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any pressure.

Learned counsel for the petitioner as well as learned counsel appearing for respondent No.2 have submitted that there are other accused also, but the compromise has been effected between the present petitioner only.

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401**, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has also relied upon the judgment dated 04.07.2019 passed in CRM-M-16318-2015 titled as 'Dalip Mandal and another Vs. State of U.T., Chandigarh and others', in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioner only although, the matter had not been compromised between the parties.

Learned counsel for respondent No.2 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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioner 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. XXX---XXX”*

In view of what has been discussed hereinabove, this petition is allowed and FIR No.127 dated 14.08.2018 registered under Sections 323, 325, 341, 506, 34 IPC at Police Station P.S. Sadar, Hoshiarpur and all the subsequent proceedings emanating therefrom are ordered to be quashed, only qua the petitioner.

Pending application, if any, stands disposed of in view of the above said order.

**August 29, 2022**  
ishwar

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No.  
Yes/No