

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.119/202

CRM-30345-2022 in/and
CRM-M-22710-2022

Date of Decision: September 14, 2022

Gurmel Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. R.K. Grewal, Advocate for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Rohit Rattewal, Advocate for
Mr. R.K. Brar, Advocate for respondent Nos.2 and 3.

AMAN CHAUDHARY, J.(Oral)

CRM-30345-2022

This is an application for placing on record amended petition.

Learned counsel for the petitioner submits that the necessity to file the amended petition arose on account of the fact that in the main petition inadvertently Section 326 IPC was not mentioned, which has so been mentioned in the prayer clause of this case.

For the reasons mentioned in the application, the same is allowed and the amended petition is taken on record.

Main Case

Present petition has been filed for quashing of FIR No.31, dated 01.03.2022, under Sections 324, 323, 341, 506, 148, 149, 326 of the IPC and Sections 25, 54, 59 of the Arms Act, 1959, registered at

Police Station Makhu, District Ferozepur, Punjab, and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 04.05.2022 (Annexure P-4).

On 24.05.2022, this Court had passed the following order:-

- “1. Notice to respondents.*
- 2. Mr. Harpreet S. Multani, Assistant Advocate General, Punjab, waives service of notice on behalf of respondent No. 1-State.*
- 3. Mr. R.K.S. Brar, Advocate, has put in appearance on behalf of respondents No. 2 & 3, and, has filed vakalatnama on their behalf, which is taken on record.*
- 4. Before proceeding to quash FIR No. 31 of 01.03.2022 (Annexure P-1), registered at Police Station Makhu, District Ferozepur, constituting therein offences under Sections 324, 323, 341, 506, 148 & 149 of the IPC (Section 25,54,59 of the Arms Act, added later on), it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondents No. 2 & 3, and, after recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).*
- 5. The learned Illaqa Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.*
- 6. The afore made report be ensured to be transmitted to this*

Court within three weeks.

7. For the afore purpose, list on 14.09.2022.

8. Till the next date of hearing, the learned Judicial Magistrate concerned, may not draw any further proceedings, arising from the FIR (supra). ”

Pursuant to the aforesaid order, report dated 21.06.2022 has been received from the Judicial Magistrate 1st Class, Zira. The relevant portion of the said report is as under:-

“ After going through the statements of the parties and on asking the parties, it is crystallized clear that the compromise has been arrived at genuinely and is made voluntarily and without any coercion or undue influence.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that in the present case investigation is still pending and challan is not prepared.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.31, dated 01.03.2022, under Sections 324, 323, 341, 506, 148, 149, 326 of the IPC and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Makhu, District Ferozepur, Punjab, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 14, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No