

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21712-2022

Date of decision : 31.05.2022

Gurpinder Singh @ Lally

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ankit Chauhan, Advocate for
Mr.J.S.Thakur, Advocate
for the petitioner.

Mr.M.S.Nagra, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.193 dated 31.12.2015 registered under Sections 307, 323, 324, 148, 149 IPC (Section 326 IPC added later on) at Police Station Adampur, District Jalandhar Rural and all other consequential proceedings arising therefrom on the basis of compromise.

On 20.05.2022, 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.193 dated 31.12.2015 registered under Sections 307, 323, 324, 148, 149 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Adampur, District Jalandhar Rural and all the subsequent proceedings arising therefrom on the basis of compromise.

the present case, initially, there were four accused persons, out of which, three accused persons have been acquitted vide order dated 15.11.2021 (Annexure P-4) passed by this Court by taking into consideration the compromise. It is further submitted that offence under Section 307 of IPC is prima facie not made out and even the conviction of abovesaid three accused persons was under Section 326 of IPC and there is no injury stated to be dangerous to life.

Notice of motion for 31.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Varun Goyal, Advocate appears on behalf of respondent No.2 and has re-affirmed the abovesaid facts as stated by learned counsel for the petitioners.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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 to the said order, a report has been submitted by the Additional Sessions Judge, Jalandhar. The relevant portion of the said report is reproduced hereinbelow:-

accused and Investigating Officer, this Court furnishes its report for kind perusal of the Hon'ble High Court as under:-

- 1. Four persons namely Gurbinder Singh @ Lally, Ankush Tiwari, Sunny @ Deepak and Varun Katoch were accused in this case. Out of those accused, three accused except Gurbinder Singh @ Lally were acquitted by Hon'ble High Court vide order dated 15.11.2021 and there was no other accused in the present FIR.*
- 2. As per statement made by SI-Sukhjit Singh, Investigating Officer, accused-Gurbinder Singh @ Lally is not proclaimed offender in this case.*
- 3. From the statements made by parties detailed above, the compromise between the parties seems to be genuine, voluntary and without any coercion or undue influence.*
- 4. As stated by SI-Sukhjit Singh, Investigating Officer, no other FIR has been registered against Gurbinder Singh @ Lally apart from the present FIR.*
- 5. Statement of Investigating Officer shows that there is only one complainant/victim in this case and no other person was injured in this case.*

Copies of statements of complainant, accused and Investigating Officer are enclosed herewith for kind perusal of Hon'ble High Court.

Hence, the report as desired by the Hon'ble High Court is submitted please.

Yours faithfully,

*(Rajnish Garg)
Addl. Session Judge,
Jalandhar.
(UID No.PB00088)''*

Encl: As above

A perusal of the above said report would show that the petitioner and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.193 dated 31.12.2015 registered under Sections 307, 323, 324, 148, 149 IPC (Secton 326 IPC added later on) at Police Station Adampur, District Jalandhar Rural and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

May 31, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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