

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22704-2022
Decided on : 19.07.2022

Jhirmal Singh and others

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Aazam Khan, Advocate for
Mr. Manoj K. Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 15 dated 02.03.2021 under Sections 452, 326, 323, 324, 427,
148 and 149 of the Indian Penal Code, 1860 registered at Police Station
Ghuman, District Batala (Annexure P-1) and all subsequent proceedings
arising on the basis of the compromise.

On 24.05.2022, 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.15 dated
02.03.2021 registered under Sections 452, 326,
323, 324, 427, 148, 149 of the Indian Penal Code,
1860 at Police Station Ghuman, District Batala
(Annexure P-1) 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 19.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Manoj K. Sharma, Advocate appears on behalf of respondent No.2.

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

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, Batala to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Statement of complainant and accused persons have been recorded by undersigned. As per statements of the parties, compromise has been effected between the parties. Compromise appears to be genuine and voluntary.

It is further submitted that as per statement of ASI Gurmukh Singh No. 2592/Btl, there are three persons arraigned as accused namely Jhirmal Singh son of Darshan Singh, Amarjit Kaur @ Bavi W/o Jhirmal Singh and Balwinder Singh S/o Jhirmal Singh all residents of Village Kandila, Tehsil Batala, District Gurdaspur as per FIR. In this case there is no accused person who has been declared as proclaimed offender. It is further mentioned that in this FIR there is only one victim/complainant namely Manpreet Singh S/o Mahinder Singh R/o Village Kandila, Tehsil Batala, District Gurdaspur. It is further averred that no other FIR is pending/registered against above said accused persons as per record.

True copies of statements of complainants, IO concerned and accused persons are attached with this letter for your goodself's kind perusal and necessary action.

Submitted please,”

A perusal of the above report would show that it has been stated that the statements of the 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 further 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 respondent No. 2-complainant 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 two parties.

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. 15 dated 02.03.2021 under Sections 452, 326, 323, 324, 427, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Ghuman, District Batala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

19.07.2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No