

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24731-2022

Date of Decision: September 08, 2022

TARLOK SINGH AND OTHERS

....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sandeep Kumar Bansal, Advocate
for the petitioner.

Mr. M.S. Atwal, AAG, Punjab.

Mr. Gulerj Khan, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(ORAL)

Present petition has been filed for quashing of FIR No.228 dated 09.05.2021, under Sections 325/323/34 IPC, registered at Police Station City Barnala District Barnala, along with all consequential proceedings arising therefrom on the basis of the compromise deed dated 27.04.2022 (Annexure P-2).

On 01.06.2022, this Court had passed the following order:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.228 dated 09.05.2021 registered under Sections 325, 323 and 34 Indian Penal Code, 1860 at Police Station City Barnala, District Barnala.

Notice of motion for 08.09.2022.

At this stage, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of the respondent-State, whereas Mr. Gulrej Khan, Advocate appears on behalf of respondent No.2 and admits the factum of compromise. A complete copy of the paper book has been furnished to the learned State counsel.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on or before 22.07.2022 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate 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 in FIR.*
- 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 case 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?*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

Pursuant to the aforesaid order, report dated 25.08.2022 has been received from Chief Judicial Magistrate, Barnala. The relevant paragraph of the said report is as under:-

“In pursuance of the order dated 01.06.2022 passed in CRM-M-24731-2022 by the Hon'ble High Court, complainant Dara Singh and accused persons namely Tarlok Singh, Sucha Singh, Nikhal Singh and Paramjit Kaur appeared in the court on 22.07.2022 and got recorded their statements to the effect that they have compromised the matter with the intervention of respectables without any pressure or coercion and have no objection if present FIR is quashed. It is further submitted that on 18.08.2022 ASI Bali Ram, Investigating Officer has appeared in the court and made statement that in the present case, only one complainant Dara Singh and four accused persons namely Tarlok Singh, Sucha Singh, Nikhal Singh and Paramjit Kaur were arrayed in the FIR and the above said accused persons are not proclaimed offender in this case. It is further submitted that in the present case no P.O. Proceedings are pending and four accused persons namely Tarlok Singh, Sucha Singh, Nikhal Singh and Paramjit Kaur are arrayed as accused in the present FIR and no other criminal proceedings are

pending against the above said accused and Challan in this case has been presented in this court on 30.04.2022.

This court, after hearing the parties in person and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and statements recorded by the complainant party as well as accused are not the result of any pressure and coercion. The statements recorded by the parties along with report of Criminal Ahlmad are enclosed herewith.”

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 there are four accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

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 petitioners and the complainants. 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.228 dated 09.05.2021, under Sections 325/323/34 IPC, registered at Police Station City Barnala, District Barnala along with all consequential proceedings arising therefrom, is quashed qua the petitioners.

08.09.2022
Sangeeta

(AMAN CHAUDHARY)
JUDGE

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