

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23063-2022
Date of decision : 22.08.2022

Surinder Singh @ Shinda and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sandeep Kumar, Advocate
for the petitioners.

Mr.P.S. Grewal, DAG, Punjab

Mr.Ravinder Singh, Advocate for
Mr.H.S. Bedi, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR no.253 dated 15.12.2019 registered under Sections 457, 380 IPC at Police Station Dugri, District Police Commissionerate, Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise.

On 25.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners has submitted that in pursuance of the order dated 26.05.2022, the parties could not appear before the trial Court and seeks one more opportunity for the parties to appear before the trial Court and record their statements.

The parties are again 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.*

Adjourned to 22.08.2022.

The statements of the parties be recorded subject to cost of Rs.5,000/- to be deposited by the petitioners with the High Court Lawyers' Welfare Fund. The said amount would be deposited prior to giving the statements of the parties and the trial Court would only permit them to record their statements after the petitioners show the receipt of the same.

In case, the cost of Rs.5,000/- is not deposited by the petitioners with the High Court Lawyers' Welfare Fund, then the present petition would be deemed to have been dismissed.

July 25, 2022”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Ludhiana. The relevant portion of the said report is reproduced hereinbelow:-

“As directed vide order dated 25.07.2022, the report is submitted as under:

- 1 There are five accused persons namely Surinder Singh @ Shinda, Roop Lal, Maina, Captain and Parwinder Singh arrayed in the FIR.*
- 2. No accused is declared as proclaimed offender in this case.*
- 3. The compromise is genuine, Voluntary and without any coercion or undue influence.*
- 4. The accused persons namely Parwinder Singh, Surinder Singh @ Shinda and Captain are involved in other FIRS also. The*

statement of Investigating Officer in this regard is attached along-with details of other FIRS.

5. There is only one complainant namely Amitoj Singh in the present FIR.

Report is submitted for perusal.

Yours faithfully

*(Dander Singh)
Judicial Magistrate 1st Class,
Ludhiana. UID No. PB-0569”*

A perusal of the above said report would show that the petitioners and respondent no.2 (complainant) 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 counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case.

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

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 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, this Court finds that the matter has been amicably settled between the petitioners 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**

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.”

Keeping in view of the above said facts and circumstances, this petition is allowed and FIR no.253 dated 15.12.2019 registered under Sections 457, 380 IPC at Police Station Dugri, District Police Commissionerate, Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

August 22, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No