

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRM-M-24957-2021
Decided on : 24.03.2022

Amit Anoop Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. J. S. Mahal, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

None for respondent No. 2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 155 dated 27.06.2020 under Sections 420 and 406 of the Indian Penal Code, 1860 registered at Police Station City Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before a Coordinate Bench of this Court on 06.07.2021, the following order was passed:-

“Case heard via video conference.

By this petition, the petitioner seeks quashing of FIR No.155, dated 27.06.2020, registered at Police Station City Batala, Police District Batala, District Gurdaspur, alleging therein the commission of offences punishable

under the provisions of Sections 420/406 of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), arrived at between the petitioner and respondent no.2.

Notice of motion be issued to the respondents.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State, with Mr. Munish Raj Chaudhary, Advocate, appearing for respondent no.2 and accepting notice. He will file a power of attorney duly executed by respondent no.2 in his favour well before the next date of hearing.

A copy of the petition be e-mailed to them today itself by learned counsel for the petitioner.

Adjourned to 27.09.2021.

In the meanwhile, the petitioner, as also respondent no.2 would appear before the learned Area Magistrate/trial Court (as the case may be) up to 26.08.2021, to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases registered against the petitioner, of like nature or otherwise.

July 06, 2021
dharamvir

(AMOL RATTAN SINGH)
JUDGE”

In pursuance of the said order, a report has been submitted by the Additonal Civil Judge, (Senior Division)-cum-Sub Divisional Judicial Magistrate to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance to the aforesaid order dated 06.07.2021, of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of undersigned is as follows:

In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine and is not the result of any pressure or coercion.

i) As per record and as per the statement of Investigating Officer ASI Manjinder Singh No. 2206/Btl., P.S. City, Batala, one person namely Amit Anoop Singh was arrayed as accused on the statement of complainant Rattan Singh and the said accused appeared before the Court and got recorded his statement. He further stated that apart from above named complainant, there was no other victim in the present FIR. He further stated that accused involved in the present FIR has neither been declared 'Proclaimed Offender' nor any 'Proclaimed Offender' proceedings are pending against him and further that except the present FIR, no other complaint/FIR is against the accused at P.S. City, Batala.

ii) In view of the statements got recorded by

both the parties, this Court is satisfied that the compromise effected between them is genuine, and is not the result of any pressure or coercion.

As such, report is submitted, accordingly, alongwith the statements for the kind perusal of your goodself.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both 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 petitioner has submitted that the petitioner was never declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 155 dated 27.06.2020 under Sections 420 and 406 of the Indian Penal Code,1860 registered at Police Station City Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

March 24th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No