

126

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-12988-2022 in/and
CRM-M-25162-2021 (O&M)
Date of decision : 08.04.2022

Narvinder Pal Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mukesh Kumar Bhatnagar, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sanjeev Kumar Bawa, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-12988-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 26.09.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr.

Sanjeev Kumar Bawa, Advocate appears on behalf of non-applicant/respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 26.09.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 26.09.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.43 dated 23.02.2021 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Kamboj, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 06.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case heard via video conference.

By this petition, the petitioners seek quashing of FIR No.43, dated 23.02.2021, registered at Police Station Kamboj, District Amritsar, alleging therein the commission of offences punishable under the provisions of Sections 420/120-B of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), arrived at between the petitioners 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.Sanjeev Kumar Bawa, 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 petitioners.

Adjourned to 28.09.2021.

In the meanwhile, the petitioners, as also respondent no.2 would appear before the learned Area Magistrate/trial Court (as the case may be) up to 27.08.2021, 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 petitioners, of like nature or otherwise.

July 06, 2021

Sd/- (AMOL RATTAN SINGH)

JUDGE ”

In pursuance of the abovesaid order, a report has been submitted by the Chief Judicial Magistrate, Amritsar. The relevant portion of the said report is reproduced hereinbelow:-

“i. That the present case was got registered by complainant Ranjeet Singh against accused Narvinderpal Singh and

Karampal Singh. Complainant and both the abovenamed accused appeared in the Court and have got recorded their statements regarding compromise.

ii. That as per the FIR, only the abovenamed two accused are involved in the present case and there is no other person involved in the occurrence who is not a party to the present petition and whose consent for the compromise will be required.

iii. That as per the statements of the parties and the Investigating Officer, none of the accused remained involved in any criminal activity except the present case. However, no affidavit of any gazetted officer stating therein whether there are any other criminal cases registered against the petitioners, has been filed by the parties in this Court.

iv. That as per the statement of Investigating officer and as per record, none of the accused has been declared as proclaimed offender in this case.

v. That there is only one victim namely Ranjeet Singh. The case is still at investigation stage. Neither any accused has been arrested nor the challan has been presented so far.

vi. That from the statements of the complainant and the accused, I am satisfied that compromise between the parties is genuine and valid, and without any coercion or undue influence from any corner.

Submitted please.

*Yours faithfully,
Sd/-(Aashish Saldi)
Chief Judicial Magistrate,
Amritsar. UID No.PB0254”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

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 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**”, reported as **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*”, reported as *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.43 dated 23.02.2021 registered under Sections 420 and 120-B of IPC at Police Station Kamboj, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

08.04.2022
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No