

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23215-2022

Date of decision : 18.07.2022

Sukhmandar Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Atul Goyal, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.Kunwar Rajan, Advocate
for respondent nos.2 to 5.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.53 dated 02.08.2016 registered under Sections 323, 324, 452, 148, 149, 506 IPC (Sections 326, 450 IPC added later on and Section 452 IPC deleted later on) at Police Station Bariwala, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of compromise.

On 27.05.2022, 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.53 dated 02.08.2016 registered under Sections 323, 324, 452, 148, 149, 506 of the Indian Penal Code, 1860 (Sections 326, 450 of IPC have been added later on and Section 452 of IPC has been deleted later on) at Police Station Bariwala, District Sri Muktsar Sahib (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 18.07.2022.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Kunwar Rajan, Advocate appears on behalf of respondent Nos.2 to 5.

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

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.*

27.05.2022”

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

“Complainants were duly identified by Sh. Gurmeet Singh Brar, Advocate and accused persons were duly identified by Sh. Gurpreet Singh Chauhan, Advocate. After going through the various statements on record it is clear that both parties have effected compromise. The undersigned is of the view that the compromise is genuine, voluntary and without any kind of undue influence or pressure. Further as per the report of the investigating officer there are six accused persons in this case and none of them has been declared as proclaimed offender. There are four complainants in this FIR and no other FIR has been registered against the accused persons. The report along with statements as

directed are submitted for your kind perusal please.

Yours faithfully,

*Rajinder Singh Nagpal, PCS,
Judicial Magistrate Ist Class
Sri Muktsar Sahib ”*

A perusal of the above said report would show that the petitioners and respondent nos.2 to 5 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 nos.2 to 5 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 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.”

Keeping in view of the above said facts and circumstances, this petition is allowed and FIR no.53 dated 02.08.2016 registered under Sections 323, 324, 452, 148, 149, 506 IPC (Sections 326, 450 IPC added later on and Section 452 IPC deleted later on) at Police Station Bariwala, District Sri Muktsar Sahib and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 18, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No