

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23212-2022

Date of decision:12.10.2022

Prabhjeet Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. P.S. Kanwar, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 03.06.2017 registered under Sections 341,323,295,34 of the Indian Penal Code, 1860 at Police Station Jhabal, District Tarn Taran (Annexure P-1) along with all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

On 03.08.2022, this Court was pleased to pass the following order:-

“This is an application filed under Section 482 of Cr.P.C. for seeking one more opportunity for recording the statement in the main case.

Learned counsel for the applicant-petitioners has submitted that vide order dated 27.05.2022, a Coordinate Bench of this Court had granted 30 days time to the parties to get their statements recorded in support of compromise but however, on account of there being holidays and the circumstances as detailed in the application, the parties

could not get their statements recorded before the trial Court and thus, prays for grant of time upto 15.09.2022 to the parties to get their statements recorded.

Keeping in view the abovesaid facts and circumstances, the present application is allowed.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise on or before 15.09.2022.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing in the main case 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.*

03.08.2022

(VIKAS BAHL)
JUDGE”

In pursuance of the said order, the report has been submitted by Additional Chief Judicial Magistrate, Tarn Taran to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

- “1. As per the statement of Investigating Officer, there are only three person, namely, Prabhjeet Singh, Gurvariam Singh and Rajanpreet Singh are arrayed as accused in the First Information Report in question.*
- 2. As per the statement of Investigating Officer, the accused have not been declared Proclaimed Offender.*
- 3. As per the statement of Investigating Officer, there are three persons namely, Prabhjeet Singh, Gurvariam Singh and Rajanpreet Singh are arrayed as accused in the First Information Report in question but the compromised effected between the parties to the petition appears to be genuine, voluntarily, without any coercion or undue influence.*
- 4. As per the statement of Investigating Officer, the accused are not involved in any other case.*
- 5. As per the statement of the Investigating Officer, there is only one complainant/victim person, namely, Manjit*

Singh and there are only three persons above named are the accused in the First Information Report in question)."

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any pressure.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 have pointed out that although there are three accused persons in the present case, but the compromise has been effected with the present petitioners only.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401**, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioners/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2015** titled as **'Dalip Mandal and another Vs. State of U.T., Chandigarh and others'**, in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.92 dated 03.06.2017 registered under Sections 341,323,295,34 of the Indian Penal Code, 1860 at Police Station Jhabal, District Tarn Taran (Annexure P-1) along with all the consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

12.10.2022

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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No