

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23370-2022

Date of decision:12.10.2022

Manjit Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.S. Kanwar, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Amit Arora, Advocate for respondents No.2 & 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of cross case registered vide DDR No.26 dated 09.06.2017 registered under Sections 324,148,149 IPC at Police Station Jhabhal, District Tarn Taran (Annexure P-2) in 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 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 seven persons, namely, Manjit Singh, Kuldeep Singh, Sukhwant Singh, Sukhdev Singh, Angrej Singh, Amarjit Singh and Jaswinder 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 and parties to the petition, the compromise effected between the parties appears to be genuine, voluntary, 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, Jajbir Singh and there are only seven persons above named are the accused in the First Information Report in question).*”

A perusal of the said report would show that it has been stated that in the present case there is only one complainant/victim person, namely, Jajbir Singh, but in fact there is one more victim, namely, Gurvariam Singh, who has been impleaded as respondent No.3 and whose statement has also been recorded on 09.08.2022 along with said Jajbir Singh in support of the compromise and the said statement has been signed by the Gurvariam Singh along with Jajbir Singh, in which, it has been stated that the compromise is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender 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 respondents No.2 and 3 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.”

In view of what has been discussed hereinabove, this petition

is allowed and cross case registered vide DDR No.26 dated 09.06.2017 registered under Sections 324,148,149 IPC at Police Station Jhabhal, District Tarn Taran (Annexure P-2) in 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.

12.10.2022

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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No