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

CRM-M-26290-2021

Date of decision : 21.11.2022

Amandeep Singh @ Tony and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Iqbal S. Mann, DAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.94 dated 14.05.2018 registered under Sections 323, 324, 341, 34, 201 of the Indian Penal Code, 1860 at Police Station Division No.5, Jalandhar, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Status report has been filed by way of affidavit of Assistant Commissioner of Police, West Jalandhar which is taken on record.

The learned counsel for the petitioners has submitted that the present petition has been filed seeking quashing of the FIR No.94 dated 14.05.2018, under Sections 323, 324, 341, 34 and 201 IPC, registered at Police Station Division No.5, Jalandhar based upon compromise Annexure P-1. He further submitted that it was a case of simple injury and the FIR was lodged on the basis of some misunderstanding between the

parties and the matter has since been compromised between the parties on the basis of intervention made by the respectables of the village He further submitted that no useful purpose will be served in case further prosecution is carried out and, therefore has prayed for quashing of the FIR based on compromise Annexure P-1.

In view of above, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording of their respective statements with regard to compromise/settlement on 10.03.2022.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) Status of trial/proceedings and*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence and List on 18.07.2022 for awaiting the report.*

Sd/-(JASGURPREET SINGH PURI)

JUDGE

February 17, 2022”

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

“In view of statements given by parties following report is hereby submitted as desired by your goods self:

- 1. It is respectfully submitted that as per the statement of Investigating Officer, there are two persons namely Amandeep Singh @ Tony and Hardev Singh arrayed as accused in the present FIR.*

2. *It is further respectfully submitted that as per the statement of Investigating Officer, no accused is proclaimed offender in the present case.*

3. *It is further respectfully submitted that challan in the present case has already been presented in the court and case is fixed for 01.04.2022 for appearance of the accused.*

4. *It is further respectfully submitted that in view of statements given by the parties this Court is of the considered opinion that compromise effected between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.”*

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.

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**”, 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.94 dated 14.05.2018 registered under Sections 323, 324, 341, 34, 201 of the Indian Penal Code, 1860 at Police Station Division No.5, Jalandhar, 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.

21.11.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No