

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(285)

CRM-M-24061-2022

Date of decision: - 12.07.2022

Mithun and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rakesh Kumar, Advocate
for the petitioners.

Mr. R.S. Khaira, AAG, Punjab.

Mr. Tushar Sharma, Advocate
for respondents No.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.176 dated 29.05.2020 registered under Sections 323/341/452/148/149 of the Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 30.05.2022, 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.176 dated 29.05.2020 registered under Sections 323/341/452/148/149 of the Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala (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 12.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Tushar Sharma, Advocate appears on behalf of respondent Nos.2 to 4.

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

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.”*

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

“5) So in this way, on the basis of the statements made by both the parties it has become crystal clear that:

a) There are six persons namely Mithun S/o Ramesh Kumar, Gourav S/o Kewal Krishan, Ravi S/o Bachan, Gourav Rai S/o Balwant, Sandeep Lahoriya S/o Pritam Lal, Bachan S/o Umara Shah arrayed as accused.

b) As per statement of Investigation officer none of the above said accused has been declared as proclaimed offender.

c) The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

d) As per statement of Investigation officer apart from the

above said FIR one another FIR i.e. FIR No. 165 dated 19.05.2020, U/S 307/323/324/341/148/149 IPC, PS City Kapurthala against the above said accused Bachan S/o Umara Shah, Gourav S/o Kewal Krishan, Gourav Rai S/o Balwant, Mithun S/o Ramesh Kumar, Sandeep Lahoriya S/o Pritam Lal.

e) As per statement of Investigation officer there are three victims in this case i.e. complainant Paramjit Singh, Prithipal and Jashpal.

The attested copy of recorded statements of the parties along with copy of their respective I.D. proofs are enclosed herewith.

This is for your kind information and perusal, please.

Yours Sincerely.

Encls: As above.

*(Jasvir Singh)
Chief Judicial Magistrate,
Kapurthala"*

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, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondents No.2 to 4 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.176 dated 29.05.2020 registered under Sections 323/341/452/148/149 of the Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 12, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No