

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-27249-2021

Date of decision:21.09.2022

Gurdeep Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. D.S. Gurna Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Vinay Puri, Advocate for respondent No.4.

VIKAS BAHL, J.(ORAL)

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.24 dated 18.03.2021 registered under Sections 341,342,323,506,148,149 IPC at Police Station Mulepur, District Fatehgarh Sahib (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 19.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.24 dated 18.3.2021, under Section 341, 342, 323, 506, 148, 149 IPC, Police Station Mulepur, District Fatehgarh Sahib.

Notice of motion.

At the asking of the Court, Mr.Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel.

At this stage, Mr. Vinay Puri Advocate causes representation on behalf of respondent No.4 and admits the factum of compromise.

Accordingly, the private parties are directed to appear

before the trial Court/Illaq Magistrate on or before 28.9.2021 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate 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 in FIR.*
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 case or not?*
5. *The trial Court is also directed to record the statement of Investigating Officer as to how many victims/complainants are there in the FIR.*

*A copy of the report be also sent through fax to the Registrar Judicial of this Court.
Adjourned to 30.11.2021.*

July 19, 2021

*(MANOJ BAJAJ)
JUDGE”*

In pursuance to the said order, a report has been submitted by Judicial Magistrate, 1st Class, Fatehgarh Sahib. The relevant portion of the said report is reproduced hereinbelow:-

“.....I am satisfied that the statements made by the complainant and the accused have been made by them voluntarily, with their own free will and without any fear or pressure.

Further, it is submitted that there are five persons named as accused in FIR No.24 dated 18.03.2021, Police Station Mulepur, District Fatehgarh Sahib and no accused has been declared as proclaimed offender. The accused persons are not involved in any other case and there is only one victim/complainant i.e. Narinder Singh, in the present FIR.

The present compliance report may kindly be considered by your goodself.

Thanking you,

*Yours faithfully,
(Bisman Mann)
Judicial Magistrate, 1st Class,
Fatehgarh Sahib,
UID No.PB0460.”*

A perusal of the above said report would show that the petitioners and complainant-respondent No.4 have appeared and suffered

voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further 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 No.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 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

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 FIR No.24 dated 18.03.2021 registered under Sections 341,342,323,506,148,149 IPC at Police Station Mulepur, District Fatehgarh Sahib (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

21.09.2022

Ishwar

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