

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26687-2021

Date of decision:19.09.2022

Bittu Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sylvester, Advocate and
Mr. Amandeep Singh Sharma, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Deepum Raghav, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing
quashing of FIR No.003 dated 04.01.2020 under Sections 292(2)(b),509,
506 of IPC and Section 66(E),67,67-A, 72 of Information Technology Act,
2000, registered at Police Station Longowal, District Sangrur, on the basis
of compromise dated 29.04.2021 (Annexure P-2), which has been arrived at
between the parties.

On 14.07.2021, a Coordinate Bench of this Court was pleased
to pass the following order:-

“Case taken up through video conferencing.

*The petitioner is seeking quashing of FIR No.003 dated
04.01.2020 under Sections 292(2)(b),509,506 of IPC and
Section 66(E),67,67-A,72 of Information Technology Act, 2000,
registered at Police Station Longowal, District Sangrur, on the
basis of compromise dated 29.04.2021 (Annexure P-2), which
has been arrived at between the parties.*

Learned counsel for the petitioner contends that it is

alleged in the FIR that the petitioner was harassing the daughter of respondent No.2. He, however, contends that the matter has been compromised with the intervention of the respectables. A copy of the compromise is annexed as Annexure P-2. The petitioner is 26 year of age and is not involved in any other case.

Issue notice to the respondents.

At the asking of the Court, Mr. B. S. Sewak, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Mr. Deepum Raghav, Advocate has put in appearance on behalf of respondent No.2 and states that the matter has indeed been compromised.

List on 19.08.2021.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 19.07.2021. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.

(ANUPINDER SINGH GREWAL)
JUDGE”

July 14, 2021

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

“On the basis of the above said statements, the report is submitted as under please: -

- 1. That the statements of the parties are bonafide and are not result of any pressure or coercion etc in any manner.*
- 2. That the compromise effected between complainant Mithu Singh and Amandeep Kaur and accused Bittu Singh is genuine and is without any undue influence or coercion.*
- 3. The statements of the parties, copies of their identity proofs are submitted along with this report.*

Submitted please.

Yours faithfully,

(Rahul Kumar)
Judicial Magistrate 1st Class,
Sangrur.
UID PB-0348”

A perusal of the above said report would show that the

petitioner and complainant-respondent No.2 as well as Amandeep Kaur have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the petitioner was 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 petitioner.

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 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 petitioner 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.

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 FIR No.003 dated 04.01.2020 under Sections 292(2)(b), 509, 506 of IPC and Section 66(E), 67, 67-A, 72 of Information Technology Act, 2000, registered at Police Station Longowal, District Sangrur and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

19.09.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No