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

CRM-M-44348-2017

Date of decision : 08.04.2022

Rachpal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Pal Singh Srawaan, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.68 dated 29.04.2017 registered under Sections 447/341/379/506/427/148/149 of the Indian Penal Code, 1860 at Police Station Ghall Khurd, District Ferozepur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 03.07.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“In the present case, the petitioners have sought for quashing of FIR No. 68 dated 29.4.2017 under Sections 447, 341, 379, 506, 427, 148, 149 IPC, registered at Police Station Ghall Khurd, District Ferozepur on the basis of compromise dated 31.5.2017.

Mr. Sunny Bhardwaj, Advocate has put in appearance

on behalf of respondent No. 2 and filed his power of attorney.

In view of the factual aspects, the parties are directed to appear before the trial Court/Illaq Magistrate on 17.07.2019 for getting their statements recorded with regard to the compromise arrived at between them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

List the matter on 17.9.2019.

Sd/-(HARNARESH SINGH GILL)

JUDGE

July 03, 2019”

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

“3. The statement of accused/petitioners also recorded in which they stated that FIR No. 68 dated 29.04.2017 under Sections 447/341/379/506/427/148/149 of IPC was registered at P.S. Ghall Khurd against them on statement of complainant/respondent No. 2 Dilbag Singh son of Gurdeep Singh and now the compromise has been effected between them with the intervention of respectables and relatives of their village.

4. Report from P.S. Ghall Khurd received in the present case. Only FIR has been registered against 9 accused persons namely Rachpal Singh, Angrej Singh, Bohar Singh, Lakhvir Singh, Sukhvir Singh, Kikkar Singh, Prabhjot Singh,

Gurpreet Singh and Harpal Singh but challan has not yet been presented in the court. The compromise has been effected with accused persons namely Rachpal Singh, Angrej Singh, Prabhjot Singh, Gurpreet Singh and Harpal Singh.

5. *In view of the statements of the parties recorded above, the compromise and the terms of settlement are genuine and the compromise has been effected and entered into with free will, without coercion and pressure, as it is clear from the statements of the parties recorded above.*

6. *The report as desired by the Hon'ble Punjab and Haryana High Court is submitted accordingly.*

Submitted please.

Yours Faithfully

Sd/- (Harmilanjot Kaur), PCS

Judicial Magistrate Ist class, Ferozepur

*Encl: Original statements of complainant
and accused”*

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.

A perusal of the above report would also show that there are 9 accused persons, out of which, five accused persons have filed the present petition as the compromise is with the said five accused persons and thus, the present case is a case of partial compromise.

Learned counsel for the petitioners has submitted that the

petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

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.

The Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** has observed that partial compromise is permissible.

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.68 dated 29.04.2017 registered under Sections 447/341/379/506/427/148/149 of the Indian Penal Code, 1860 at Police Station Ghall Khurd, District Ferozepur 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.

08.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No