

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47163-2021 (O&M)

Date of decision:05.09.2022

Manjit Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Krishan M. Vohra, Advocate for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Ravinder Kumar, Advocate for respondents No.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.119 dated 01.03.2017 registered under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 (charges framed under Sections, 148, 149, 323, 325, 307, 452 and 506 of IPC) at Police Station Pehowa, District Kurukshetra (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated 27.04.2021 (Annexure P-3).

On 06.12.2021, 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.119 dated 01.03.2017 registered under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 (charges framed under Sections, 148, 149, 323, 325, 307, 452 and 506 of IPC) at Police Station Pehowa, District Kurukshetra (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated 27.04.2021 (Annexure P-3).

Learned counsel for the petitioners as well as learned counsel for respondent Nos. 2 and 3 have submitted that in the

present case, cross cases had been registered. One was the present FIR i.e. FIR No.119 dated 01.03.2017 and the other is FIR bearing No.115 dated 25.02.2017, which has been registered under Sections 148, 149, 323, 379 and 506 IPC. It has been further submitted that as far as the present FIR is concerned, the offence under Section 307 IPC would not be made out inasmuch as there is no opinion of the Doctor declaring any injury to be dangerous to life. It has further been argued that the present case is a case of version and cross version and the parties, who are residents of Kurukshetra, have compromised the matter in order to resolve the differences and to live a life of peace and harmony at present and in future. It is further stated that since in the present case, no evidence has been recorded, thus, the criminal proceedings are at an initial stage and the compromise is genuine and bona fide and would help in bringing out peace and amity between the families of the petitioners as well as between the parties.

Adjourned to 25.01.2022.

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

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.*

*(VIKAS BAHL)
JUDGE”*

6th December, 2021

In pursuance to the said order, a report has been submitted by Sub Divisional Judicial Magistrate, Pehowa. The relevant portion of the said report is reproduced hereinbelow:-

“....As per statement of Investigating Officer: -

- (1) There are seven persons arrayed as accused in the present case out of which, one accused namely Surjeet Singh son of Budh Singh, resident of Tilak Colony Pehowa has died on 18.11.2017 and remaining six accused namely Manjit Singh, Jagjit Singh, Amrik Singh,*

Parminder Singh, Simarjeet Singh and Saravjet Singh are facing trial;

- (2) None of the accused has not been declared proclaimed offender in the present case;*
- (3) The compromise appears to be voluntary and genuine;*
- (4) xxxx xxxx*
- (5) There are two victims/complainants namely Gurdayal Singh and Resham Singh in present FIR case.*

This report is submitted for the kind perusal of Hon'ble Punjab and Haryana High Court.

*(Upendra Singh)
Sub Divisional Judicial Magistrate,
Pehowa (HR0362)”*

A perusal of the above said report would show that the petitioners, respondents No.2 and 3 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 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 respondents No.2 & 3 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 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.119 dated 01.03.2017 registered under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 (charges framed under Sections, 148, 149, 323, 325, 307, 452 and 506 of IPC) at Police Station Pehowa, District Kurukshetra (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the

Pending application, if any, stands disposed of in view of the above said order.

05.09.2022

Ishwar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No