

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.238

CRM-M-24923-2022

Date of Decision: September 09, 2022

Dharminder Singh @ Bittu and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Dharampal, Advocate for
Ms. Areena Jindal, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. A.K. Walia, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of DDR No.44, dated 22.07.2018, under Sections 323, 506 and 34 of the Indian Penal Code in FIR No.154, dated 22.07.2018, under Sections 341, 323, 324, 34 of the IPC (Section 201 IPC added later on), registered at Police Station Bhawanigarh, District Sangrur, and all other consequential proceedings arising therefrom on the basis of the compromise dated 06.05.2022 (Annexure P-3).

On 27.07.2022, this Court had passed the following order:-

“CRM-24613 of 2022

Learned counsel for the parties are ad-idem that in cross case, the quashing of FIR on the basis of compromise is fixed for today.

For the reasons mentioned in the application, the

application is allowed and the main case is preponed to today.

Main Case

This is a petition under Section 482 Cr.P.C. for quashing of cross case DDR No.44 dated 22.7.2018, under Section 323, 506, 34 IPC, PS Bhawanigarh, District Sangrur in case of FIR No.154 dated 22.7.2018 under Section 341/323/324/34 IPC, Section 201 IPC added lateron, registered at Police Station Bhawanigarh, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. Sandeep Kumar, DAG Punjab accept notice on behalf of the State and Mr. A.K. Waila, Advocate accepts notice on behalf of complainant.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 8.8.2022.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the FIR.*
- (ii) Whether any accused is proclaimed offender and*
- (iii) Whether the compromise is genuine, voluntarily and without any coercion or undue influence.*

List on 9.9.2022. ”

Pursuant to the aforesaid order, report dated 30.08.2022 has been received from the Additional Chief Judicial Magistrate, Sangrur.

The relevant paragraph of the said report is as under:-

“After recording the statement of the parties and after pursuing the record, it is apparent that the matter has been compromised between the parties. In light of their statements compromise between the parties is result of free volition of the parties and without any inducement, threat or

pressure. Further, it is clear from the statements of the accused persons, investigating officer and case file that except the accused persons namely Dharminder Singh alias Bittu and Sukhchain Singh, no other person has been arrayed as accused in the present DDR and none of them has been declared proclaimed offender in the present case. Hence, the report is hereby submitted as desired by the Hon'ble Punjab and Haryana High Court, Chandigarh. The report alongwith copies of the statements of the parties and copies of identity proofs is submitted accordingly for kind perusal. ”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are two accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and DDR No.44, dated 22.07.2018, under Sections 323, 506 and 34 of the Indian Penal Code in FIR No.154, dated 22.07.2018, under Sections 341, 323, 324, 34 of the IPC (Section 201 IPC added later on), registered at Police Station Bhawanigarh, District Sangrur, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 09, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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