

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24952-2022

Date of decision : 16.08.2022

Ranjot Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ankur Bansal, Advocate
for the petitioners.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr. Maninderjit Singh, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is petition under Section 482 Cr.P.C. praying for quashing of FIR no.290 dated 27.12.2021 registered under Sections 323, 326, 341, 148, 149 IPC (Section 120-B IPC added later on) at Police Station City Rama Mandi, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

On 26.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the parties has submitted that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 16.08.2022.

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.*

However, since the statement of the parties could not be recorded as the parties have not appeared before the Illaqa Magistrate/trial Court in spite of giving a direction, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.2500/- which shall be deposited by the petitioners in the Punjab and Haryana High Court Employees' Welfare Association Fund, within a period of 10 days from today.

The trial Court shall only record the statements of parties on production of the receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

26.07.2022”

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

“Further, I have also examined the parties in person and my pointwise report is submitted as under:

- (i) It is humbly submitted that as per statement of investigating officer there are 8 persons have been arrayed as accused in the present case.*
- (ii) It is humbly submitted that as per the statement suffered by the Investigating Officer, no accused has been declared as proclaimed offender in the present FIR.*
- (iii) It is humbly submitted that that I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion.*
- (iv) It is humbly submitted that as per the report of the IO Daljinder Lal one more bearing FIR No.201/21 PS Rama Mandi was got registered against the accused Ravi @*

Bakra and there was no any other case registered against the remaining accused in the police station, Rama Mandi, Jalandhar.

(v) It is humbly submitted that as from the perusal of compromise deed Ex.PA and statements of the parties it comes to the notice of the undersigned that the complainant has not effected compromise with Ravi @ Bakra. Today accused Ravi @ Bakra has not appeared in the court to got recorded his statement of the compromise with complainant. This is for your kind information.

(vi) It is humbly submitted that statements of the parties as well as after their examination in the court, I am of the view that compromise has been validly effected between the parties to the abovesaid FIR as per their free will and without any kind of pressure, threat or undue influence.

Kindly find the enclosed herewith i.e. photocopy of statements of the parties for your honour's kind perusals.

Report Submitted please.

Yours faithfully,

*Harmeet Kaur Puri, PCS,
Judicial Magistrate, 1" Class,
Jalandhar"*

A perusal of the above said report would show that it has been stated by the Judicial Magistrate Ist Class, Jalandhar, no compromise has been effected with Ravi @ Bakra i.e, petitioner no.5 and the said Ravi @ Bakra has not appeared in the Court to record his statement. All the petitioners except petitioner no.5 Ravi @ Bakra have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will. It is further stated that the petitioners were not declared proclaimed offenders in the present case.

Learned counsel for the petitioners and respondent no.2 have submitted that FIR qua other petitioners, i.e. petitioners no.1 to 4 and 6 to 8 be quashed and has relied upon the judgment of the Hon'ble Supreme Court

another, reported as **2012 (12) SCC 401** and judgment dated 04.07.2019 passed in CRM-M-16318-2015 titled as ***Dalip Mandal and another Vs. State of U.T., Chandigarh and others*** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners no.1 to 4 and 6 to 8.

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 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.”

Keeping in view of the above said facts and circumstances, this petition is allowed qua petitioners no.1 to 4 and 6 to 8 and FIR no.290 dated 27.12.2021 registered under Sections 323, 326, 341, 148, 149 IPC (Section 120-B IPC added later on) at Police Station City Rama Mandi, Jalandhar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners no.1 to 4 and 6 to 8. The petition qua petitioner no.5 is dismissed at this stage and liberty is granted to petitioner no.5 to file a fresh petition in case the compromise is effectual qua him and the parties are ready to give statements qua him also.

August 16, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No