

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.243

CRM-M-22444-2019

Date of Decision: September 16, 2022

BHAGWAN DASS AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Bhavyadeep Walia, Advocate for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. B. S. Ghangas, Advocate
for respondent Nos.2 & 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.50, dated 31.05.2018, under Sections 452, 323, 427, 506, 148, and 149 IPC, registered at Police Station Division No.4, Patiala and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 13.06.2018 (Annexure P-2).

On 11.02.2020, this Court had passed the following order:-

“The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise/settlement within a period of 30 days from today. 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 in FIR;
2. Whether any accused is proclaimed offender; and
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.”

Pursuant to the aforesaid order, report dated 12.01.2021 has been received from Judicial Magistrate Ist Class, Patiala. The relevant paragraph of the said report is as under:-

“From the statements of the parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably and said compromise appears to be genuine. Statement of investigating officer has also been recorded and as per his statement number of the person who are victim is one namely Vikram Kumar in the FIR No.50 and in cross case number of victims are three namely Sanjay, Rustam and Vijay. Further, the number of persons arrayed in the FIR as accused are eleven in FIR No.50 whereas in the cross case DDR No. 55 number of accused are five. However, there is no proclaimed offender as per statement of investigating officer. Further, these persons are not involved in any other FIR as per the statement on record.”

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 11 accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

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 petitioners and the complainant. 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 FIR No.50, dated 31.05.2018, under Sections 452, 323, 427, 506, 148, and 149 IPC, registered at Police Station Division No.4, Patiala and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 13.06.2018 (Annexure P-2) arising therefrom, is quashed qua the petitioners.

September 16, 2022

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**(AMAN CHAUDHARY)
JUDGE**

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