

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25390-2022

Date of decision : 28.07.2022

Sandeep Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Amandeep Singh, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.Abhishek, Advocate for
Mr.Ankit Kharbanda, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is petition under Section 482 Cr.P.C. praying for quashing of FIR no.49 dated 09.04.2022 registered under Sections 279, 337, 427 IPC at Police Station Dakha, Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise.

On 02.06.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 49 dated 09.04.2022 under Sections 279, 337 and 427 of the Indian Penal Code, 1860 registered at Police Station Dakha, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

Notice of motion of 28.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Ankit Kharbanda, Advocate appears on behalf of

respondents No. 2.

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

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.*

02.06.2022”

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

“ From the statements of parties and IO, it is submitted that:

- 1. In this case, there is only one person arrayed as accused namely Sandeep Singh who appeared and suffered statement.*
- 2. None of the accused has been declared as proclaimed offender by the court.*
- 3. The undersigned has also verified regarding genuineness of the compromise from the parties and is therefore satisfied that parties have compromised the matter with their free consent, voluntary and without any coercion or undue influence. The compromise is genuine.*
- 4. As per statement of accused and IO, no other FIR had been registered against accused Sandeep Singh except present FIR.*
- 5. As per statement of IO, there is only one victim/complainant namely Gurpeet Singh S/o Jagminder Singh in the present FIR*

Accordingly, the report of undersigned be sent for kind perusal of Hon'ble Punjab & Haryana High Court in this case.

The report is submitted accordingly.

Yours faithfully,

(Shaminder Pal Singh)
Judicial Magistrate Ist Class,
Ludhiana (UID NO. PB0391)”

A perusal of the above said report would show that the petitioner and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender 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 petitioner.

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.

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 and FIR no.49 dated 09.04.2022 registered under Sections 279, 337, 427 IPC at Police Station Dakha, Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

July 28, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No