

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.246

CRM-M-47954-2018

Date of Decision: September 13, 2022

Nirmal Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Jitender Singh Dadwal, Advocate for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Sanjeev Kumar, Advocate for respondent Nos.2 and 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.161, dated 30.08.2018, under Sections 324, 323, 336, 148 and 149 of the IPC, registered at Police Station Majitha, District Amritsar Rural, and all other consequential proceedings arising therefrom on the basis of the compromise dated 11.09.2018 (Annexure P-2)

On 30.10.2018, this Court had passed the following order:-

“ This petition has been filed for quashing of FIR No.161, dated 30.8.2018 under sections 324, 323, 336, 148, 149 IPC on the basis of compromise between the parties.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of respondent No.1. Let two copies of the complete paperbook be supplied to him during the course of the day.

Mr. Sanjeev Kumar, Advocate, puts in appearance and accepts notice on behalf of respondent No.2.

The parties are directed to appear before the trial Court/Illaq Magistrate on 11.12.2018 for getting their

statements recorded. After recording the statements of the parties, the learned trial Court/Illaqa Magistrate, shall send a report to this Court about genuineness of compromise between the parties well before the next date of hearing.

Adjourned to 08.02.2019.”

Pursuant to the aforesaid order, report dated 08.02.2019 was received from the Judicial Magistrate 1st Class, Amritsar, to the effect that the parties did not appear to get their statements recorded. Thereafter, vide order dated 08.02.2019, at the request of petitioners, the parties were again directed to appear before the trial Court/Illaqa Magistrate to get their statements record in terms of the compromise, subject to payment of costs of Rs.10,000/- to be deposited with High Court Legal Services Committee, Chandigarh. Pursuant to the said order, report dated 04.04.2019 has been received from the Judicial Magistrate 1st Class, Amritsar. The relevant paragraph of the said report is as under:-

“As far as report with regard to other petitioners and respondents is concerned the compromise between the other petitioners and respondents is genuine, voluntarily and without any coercion or undue influence.”

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 also stated in the report that this Court cannot send complete report as to compromise with petitioner No.4 Kawarmmeet Singh and petitioner No.7 Gursimran Singh @ Simranjit Singh.

Learned counsel for the petitioners submits that there were 11 accused out of whom two accused namely, Kawarmmeet Singh and

Gursimran Singh @ Simarnjit Singh did not appear for getting their statements recorded, he however relies upon the statements suffered by the complainant Rajinder Singh and injured Navtej Singh on 28.03.2019, pursuance to the order passed by this Court, who had stated that they had entered into the compromise with all the 11 accused persons including the aforesaid petitioner Nos.4 and 7. Their statements have been reproduced as under:-

“Statement of Rajinder Singh S/o Malkiat Singh R/o Village Wadala Viram, Amritsar. (Complainant)

1. Stated that FIR no.161 dated 30.08.2018 under Section 324, 323, 336, 148, 149 of IPC, Police Station Majitha, District Amritsar was got registered by me against following persons:-

- (i) Nirmal Singh*
- (ii) Balwinder Singh*
- (iii) Jagpreet Singh*
- (iv) Kawarmmeet Singh*
- (v) Gurbinder Singh*
- (vi) Parmanpreet Singh*
- (vii) Gursimran Singh*
- (viii) Sukhdev Singh*
- (ix) Harjinder Singh*
- (x) Nishan Singh*
- (xi) Ranjodh Singh*

Petitioner no.1 to 11 as fully detailed in memo of parties attached with the order of Hon'ble Punjab and Haryana High Court.

2. I have entered into compromise with the aforesaid persons on basis of which CRM-M-47954-2018 is filed before the Hon'ble Punjab & Haryana High Court, Chandigarh. The compromise is genuine, voluntary, and

without any coercion or undue influence.”

Statement of Navtej Singh S/o Rattan Singh R/o Village Viram, Post Office Wadala Tehsil Majitha, District Amritsar. (Respondent no.3)

1. Stated that FIR no.161 dated 30.08.2018 under Section 324, 323, 336, 148, 149 of IPC, Police Station Majitha, District Amritsar was got registered against following persons:-

- (i) Nirmal Singh*
- (ii) Balwinder Singh*
- (iii) Jagpreet Singh*
- (iv) Kawarmmeet Singh*
- (v) Gurbinder Singh*
- (vi) Parmanpreet Singh*
- (vii) Gursimran Singh*
- (viii) Sukhdev Singh*
- (ix) Harjinder Singh*
- (x) Nishan Singh*
- (xi) Ranjodh Singh*

(Petitioner no.1 to 11 as fully detailed in memo of parties attached with the order of Hon'ble Punjab and Haryana High Court) by Rajinder Singh respondent no.2.

2. I and Rajinder Singh have entered into compromise with the aforesaid persons on basis of which CRM-M-47954-2018 is filed before the Hon'ble Punjab & Haryana High Court, Chanidgarh. The compromise is genuine, voluntary, and without any coercion or undue influence.”

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 FIR No.161, dated 30.08.2018, under Sections 324, 323, 336, 148 and 149 of the IPC, registered at Police Station Majitha, District Amritsar Rural, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 13, 2022
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(AMAN CHAUDHARY)
JUDGE

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