

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

258

CRM-M-25814-2021  
Decided on : 20.05.2022

Gurjeet Singh and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. Vikas Bishnoi, Advocate  
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Ankit Joshi, Advocate  
for respondent No. 2.

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 143 dated 11.05.2018 under Sections 323, 341, 501, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Division 7, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 31.01.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Case heard via video conferencing.*

*As recorded in the order dated 21.12.2021,  
neither the petitioner nor respondent no.2  
appeared before the learned JMIC, Ludhiana, to  
record any statement in terms of any compromise*

*reached between them, with learned counsel for the petitioner seeking one more opportunity to do so.*

*Without making any comment on the merits of the case, one more opportunity is granted to the parties to make their statements in terms of the compromise (if any has been reached between them), before the learned trial court/Ilqa Magistrate, in terms of the order of this court dated 22.07.2021, with them to appear before that court upto 27.04.2022 and with that court to send its fresh report before the next date of hearing here. Adjourned to 20.05.2022.*

*Sd/-  
(AMOL RATTAN SINGH)  
JUDGE”*

*January 31, 2022*

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class, Ludhiana to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

*“4. Respected Sir, based upon the aforesaid material made available on record, the report, as sought for by the Hon'ble High Court is submitted as under:*

*(i) As per the statement of I.O there are only two accused namely Gurjeet Singh and Harjeet Singh in the present FIR. There is only one complainant namely Harwinder Singh in the present FIR. The statement of both the accused and complainant have been recorded regarding consent for compromise.*

*(ii) From the aforementioned statements of the parties, which, were got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.*

*(iii) As per the statement of L.O affidavit of Sh. Davinder Kumar, ACP (East), Ludhiana regarding pendency of other criminal cases against accused has already been submitted in the Hon'ble High Court. Copy of the same is also placed before this court. As per affidavit there is one DDR No. 10 in FIR No. 101 dated 17.06.2020 under Section 323, 324, 341, 34 IPC was registered against accused at P. S. Tibba, Ludhiana.*

*Report is submitted as desired, please.”*

A perusal of the above report would show that the statements of both the parties have been recorded in the case and they have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statements of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioner were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated

that the abovesaid facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. XXX---XXX”*

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 143 dated 11.05.2018 Sections 323, 341, 501, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Division 7, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 20<sup>th</sup>, 2022  
Mehak

(VIKAS BAHL)  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |