

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231

CRM-M-25864-2022 (O&M)

Date of Decision: August 17, 2022

KUNWARVEER SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Jaspreet Singh Sran, Advocate
for the petitioners.

Mr. R. S. Khaira, Assistant AG, Punjab.

Mr. Gursharan Singh, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.91, dated 16.04.2022, registered under Sections 323, 325, 341, 427, 148, 149 and 379 IPC (Section 326 IPC added lateron), at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 25.05.2022 (Annexure P-2).

On 04.07.2022, this Court had passed the following order:-

“Instant petition has been filed for seeking quashing of FIR No.0091 dated 16.04.2022 under Sections 323, 325, 341, 427, 148, 149 and 379 of the IPC (Section 326 IPC added later on) registered at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom on the basis of affidavit of compromise dated 25.05.2022 (Annexure P-2).

Notice of motion.

Mr. Karanbir Singh, AAG Punjab appears and accepts notice on

behalf of respondent-State.

Mr. Gursharan Singh, Advocate appears on behalf of respondent No.2 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 26.07.2022 or any other date convenient to the Illaqa Magistrate/Trial Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.
- (v) Whether the compromise has been effected with all accused persons and with all the complainant/injured.

To come up for further consideration on 17.08.2022.

Response, if any, may also be filed by the State on or before the adjourned date.”

Pursuant to the aforesaid order, report dated 10.08.2022 has been received from Chief Judicial Magistrate, Ludhiana. The relevant paragraph of the said report is as under:-

“6. In view of the statements of complainant/respondent No.1 Amritpal Singh, respondent No.3 Surkhab Singh and accused/petitioners namely Kunwarveer Singh, Tejveer Singh Grewal, Sharan Partap Singh @ Nawab Bajwa and Vatsal Gaggar, as detailed hereinabove, it emerges on record that the matter has been compromised between them with the intervention of respectables and well wishers, out of their free will, voluntarily and without any pressure, threat, undue influence or coercion from any quarter

7. It is further respectfully submitted that in view of statement of investigating Officer ASI Gian Singh

No.1724/Ldh. P. S. Sarabha Nagar, Ludhiana, it emerges on record that the present FIR was registered on the basis of statement of complainant Amritpal Singh son of Nirmaljit Singh against four accused persons namely Kunwarveer Singh, Tejvir Singh Grewal, Nawab Bajwa, Vatsal Gaggar and 2-3 unknown persons. Investigating Officer has further stated that Surkhab Rai son of Gurbhagat Singh was also a victim in the present occurrence. He has further stated that the present matter is pending for investigation and the report under Section 173(2) Cr. P.C. has not been presented before the court and as per record either of the accused persons has not been declared as proclaimed offender nor any proclamation proceedings are pending against them. The copy of statement of ASI Gian Singh is also enclosed herewith.”

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 four 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 complainants. 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 feels 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.91,

dated 16.04.2022, registered under Sections 323, 325, 341, 427, 148, 149 and 379 IPC (Section 326 IPC added lateron), at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 17, 2022

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(AMAN CHAUDHARY)**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No