

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.235

CRM-M-29882-2021

Date of Decision: August 26, 2022

Chamkaur Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. Parneet Kaur Sidhu, Advocate for
Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioners.
Mr. Kamal Preet Bawa, AAG, Punjab.

Ms. G.K. Hundal, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.84, dated 27.05.2021, under Sections 323, 324, 506 and 34 of the Indian Penal Code, registered at Police Station Doraha, Police District Khanna, District Ludhiana, and all other consequential proceedings arising therefrom on the basis of the compromise dated 17.07.2021 (Annexure P-2).

On 02.08.2021, this Court had passed the following order:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.84 dated 27.05.2021 registered under Sections 323, 324, 506 and 34 Indian Penal Code, 1860 at Police Station Doraha, Police District Khanna, District Ludhiana. Notice of motion for 15.11.2021.

At this stage, Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel.

At this stage, Mr. T.S.Hundal, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise. Accordingly, the private parties are directed to appear before the

trial Court/Illaq Magistrate on or before 15.09.2021 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate 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?*
- 3.Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other case 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?*

A copy of the report be also sent through fax to the Registrar Judicial of this Court. ”

Pursuant to the aforesaid order, report dated 12.11.2021 has been received from the Chief Judicial Magistrate, Payal. The relevant paragraph of the said report is as under:-

“From the statements of the parties as recorded in the Court, I am satisfied that the compromise effected between the parties is genuine and is effected voluntarily and without any undue influence or pressure and out of the free will of the parties. As per the statement of Investigating officer, there is one complainant in the present case and there are four accused persons in the present case. As per the statement of investigating officer no proclamation proceedings are pending against any person in the present case and no accused has been declared proclaimed offender in the present case. According to the statement of investigating officer and statement of accused persons/petitioners no other case is pending against the accused persons.”

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. It is also stated in the report that none of the accused is declared as proclaimed offender and no other case has been registered against the accused persons except the FIR in question.

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.84, dated 27.05.2021, under Sections 323, 324, 506 and 34 of the Indian Penal Code, registered at Police Station Doraha, Police District Khanna, District Ludhiana, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

August 26, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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