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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28359-2022

Date of decision : 19.10.2022

Jagroop Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.288 dated 26.09.2020 registered under Sections 324/34 of the Indian Penal Code, 1860 at Police Station Lopoke, District Amritsar (Rural) (Section 326 of IPC has been added later on) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.07.2022, a Coordinate Bench of this Court was pleased to pass 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.288 dated 26.09.2020 registered under Section 324 and 34 Indian Penal Code, 1860 (offence under Section 326 IPC added later on) at Police Station Lopoke, District Amritsar (Rural).

Notice of motion for 19.10.2022.

At the asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of the respondent-State.

At this stage, Mr. Karan Dhawan, 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/Illaqa Magistrate on or before 17.08.2022 for recording their statements with regard to compromise/settlement. Trial Court/Illaqa 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.”

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

“4. Respected Sir, from the aforementioned statements so got recorded by the Court, it clearly appears that the compromise inter-se the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence. Further, from the information made available before this Court, by the means of the statement of the Investigating Officer of this case namely ASI Joginder Singh No.1258/ Amritsar (R), P.S. Lopoke, there was only 01 complainant/victim in this case

and his name was Gurlal Singh s/o Sukhwinder Singh. Also, there were 02 accused involved in the matter and that their names were Jagroop Singh and Nishan Singh. As per his information, the said accused were reportedly not declared as proclaimed offenders and were also not involved in any other criminal case.

Report is submitted as desired, please.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both 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 statement of the complainant has been made voluntarily without any fear, coercion or pressure.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioners 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**”, reported as **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”, reported as 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.288 dated 26.09.2020 registered under Sections 324/34 of the Indian Penal Code, 1860 at Police Station Lopoke, District Amritsar (Rural) (Section 326 of IPC has been added later on) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

19.10.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No