

**269-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-25288-2019 (O&M)
Date of Decision: September 20, 2022**

Navtej Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Mohit Sadana, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.365, dated 19.11.2013, under Section 420 IPC, registered at Police Station City Sangrur and all other consequential proceedings arising therefrom on the basis of the compromise.

On 15.10.2019, this Court had passed the following order:-

“Vide order dated 30.05.2019, the parties were directed to appear before the trial Court/Area Judicial Magistrate on 05.07.2019 for getting their statements recorded with regard to the compromise arrived at between them. The Learned Judicial Magistrate sent a report dated 06.07.2019 stating that one of the complainants namely Major Singh did not come present and the other complainants namely Harjit Singh, Shavinder Kumar, Simranpreet Singh, Narinder Kumar, Sanjeev Kumar and Ravinder Goyal were not ready to get recorded their statements. Moreover, one of the accused namely Navtej Singh has died and his mother

Baljinder Kaur who is also an accused stated that she is not ready to get recorded her statement as the compromise has not been fully effected yet.

Learned counsel for the petitioners states that petitioner No.2 is the mother of the deceased-Navtej Singh (petitioner No.1) and she will pay the entire amount to the complainants and enter into a fresh compromise.

In view thereof, let the parties may appear before concerned Illaqa/Duty Magistrate on 07.11.2019 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise/fresh compromise. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court a week before the next date of hearing along with his report:

- (i) regarding genuineness and voluntary nature of the compromise;*
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- (iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 10.12.2019. ”

Pursuant to the aforesaid order, report dated 26.11.2019 has been received from Judicial Magistrate Ist Class, Sangrur. The relevant paragraph of the said report is as under:-

“(i) From the statements of the parties it is observed that the compromise is genuine and has been executed voluntarily by the parties.

(ii) There were two accused namely Navtej Singh and Baljinder Kaur and Navtej Singh has already died and the accused Baljinder Kaur is appearing before

this Court and is on bail.

(ii) From the above statements and the record it is observed that there is no other proceedings pending against the accused petitioner Baljinder Kaur.”

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 is one accused person namely Baljinder Kaur and the other accused namely Navtej Singh has died 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 petitioner-Baljinder Kaur and the complainants as the other petitioner namely, Navtej Singh has died. 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.365, dated 19.11.2013, under Section 420 IPC, registered at Police Station City Sangrur and all other consequential proceedings arising therefrom, is quashed qua the petitioner.

September 20, 2022

Sangeeta

(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No