

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.256

CRM-M-28306 of 2022

Date of Decision: September 06, 2022

HARBHAJAN SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Amardeep Singh, Advocate for
Mr. Gagandeep Singh, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.40, dated 10.05.2022, under Sections 323, 324, 34 and 379 IPC, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 11.06.2022 (Annexure P-2).

On 06.07.2022, this Court had passed the following order:-

“The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 40 dated 10.05.2022 under Sections 323, 324, 34 and 379 of the IPC registered at Police Station, Qila Lal Singh, Police District Batala, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 11.06.2022 (Annexure P-2) effected between the parties.

Notice of motion.

At this stage, Mr. Karanbir Singh, AAG, Punjab appears and

accepts notice on behalf of respondent No.1-State.

Ms. Rekha Luhach, Advocate, appearing on behalf of respondents No.2 admits the execution of compromise dated 11.06.2022 (Annexure P-2) and filed his memo of appearance in the Court today which is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 01.08.2022 or any other date convenient to the Court for recording their respective statements with regard to compromise/settlement.

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 the accused persons and with all the complainant(s)/injured.

To come up on 06.09.2022, for further consideration.

Reply by respondent No.1-State be filed on or before the next date of hearing, if so desired. ”

Pursuant to the aforesaid order, report dated 08.08.2022 has been received from Judicial Magistrate Ist Class, Batala. The relevant paragraph of the said report is as under:-

“(ii) None of the accused has been declared as proclaimed person/offender in the present case.

(iii) In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion”

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 three 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 complainant. 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.40, dated 10.05.2022, under Sections 323, 324, 34 and 379 IPC, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 06, 2022

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**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No