

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

257

CRM-M-28371-2022

Date of Decision: 6th September, 2022

Joginder Singh @ Bagga and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. L.S. Mann, Advocate for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Nagesh K. Paul, Advocate
for respondent Nos.2 & 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.39, dated 03.04.2021, under Sections 379-B, 323 and 34 IPC, 1860, registered at Police Station Mehatpur, District Jalandhar and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 15.06.2022 (Annexure P-2).

On 07.07.2022, this Court had passed the following order:-

“Instant petition has been filed for seeking quashing of FIR No.39 dated 03.04.2021, under Sections 379-B, 323, 34 of the IPC registered at Police Station Mehatpur, District Jalandhar and all consequential proceedings arising therefrom on the basis of compromise dated 15.06.2022.

Notice of motion.

Mr. Dhruv Dayal, Sr. DAG, appears and accepts notice on behalf of respondent-State.

Mr. Nagesh K. Paul, Advocate appears on behalf of respondent Nos.2 to 3 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa

Magistrate/Trial Court on 01.08.2022 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 06.09.2022.

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

Pursuant to the aforesaid order, report dated 08.08.2022 has been received from Add. District & Sessions Judge, Jalandhar. The relevant paragraph of the said report is as under:-

“Point No.(i) Number of persons arrayed as accused in the FIR ?

It is submitted that three accused persons namely Joginder Singh alias Bagga son of Kashmir Singh, Gurjeet Mattu alias Aman son of Malkit Chand and Baldev alias Balla son of Haripal were arrayed as accused in the present case.

Point No.(ii) Whether any of the accused is proclaimed offender ?

In this regard, it is submitted that all the accused persons namely Joginder Singh alias Bagga son of Kashmir Singh, Gurjeet Mattu alias Aman son of Malkit Chand and Baldev alias Balla son of Haripal

are appearing in this case and now none of the accused is proclaimed offender.

Point no. (iii) Current stage of the trial/proceedings?

In this regard, it is respectfully submitted that the case is pending for evidence of prosecution.

Point no. (iv) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

In this regard, it is submitted that keeping in view the statements of parties, this court is of the considered view that compromise effected between the parties i.e. complainant Mukhtyar Singh alias Mukhtiar Singh son of Kehar Singh and injured Gurnam Kaur wife of Mukhtyar Singh alias Mukhtiar Singh and accused persons namely Joginder Singh alias Bagga son of Kasmhir Singh, Gurjeet Mattu alias Aman son of Malkit Chand and Baldev alias Balla son of Haripal is genuine, voluntary and without any coercion or undue influence.

Point no. (v) Whether the compromise has been effected with all the accused persons and with all the complainant/injured?

In this regard, it is submitted that keeping in view the statements of parties, this court is of the considered view that compromise has been effected between all the complainants/injured and the accused.”

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(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.39, dated 03.04.2021, under Sections 379-B, 323 and 34 IPC, 1860, registered at Police Station Mehatpur, District Jalandhar and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

6th September, 2022
sangeeta

(AMAN CHAUDHARY)
JUDGE

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