

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRM-M-25607-2019
Decided on : 30.05.2022

Harjit Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. G. S. Thind, Advocate
for respondents No. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 32 dated 26.05.2016 under Sections 323, 325, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Bilga, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 31.05.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion.

On the asking of the Court, Mr. A.A. Pathak, Addl. AG, Punjab, who is present in Court, accepts notice on behalf of respondent State.

Mr. G.S. Thind, Advocate, who is present in Court, has put in an appearance on behalf of respondents No.2 & 3.

Requisite copies of the complete paper

book be furnished to the learned State counsel as well as learned counsel for respondents No.2 & 3 during the course of the day.

Learned counsel for the petitioner contends that the matter has been amicably settled between the parties and compromise deed dated 29.03.2017 (Annexure P-2) executed between them.

*Adjourned to **18.07.2019**.*

*Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial Court, Phillaur on **11.06.2019** for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial Court, Phillaur is directed to record the statements of both the parties specifying the following:*

- i) The number of accused arrayed in the FIR, how many have appeared before it, have made statements and whether any accused is absconding/P.O. in the case;*
- ii) The name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise is genuine, voluntarily and out of free will of the parties.*

The Illaqa Magistrate/trial Court, Phillaur is further directed to send a report along with statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

May 31, 2019

*Sd/-
(MANJARI NEHRU KAUL)
JUDGE"*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Phillaur to the Registrar Judicial of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Keeping in view the above mentioned statement of complainant, injured and attorney of accused Harjit Singh. it is respectfully submitted that the compromise between the parties seems to be genuine, voluntary and without any coercion or undue influence. There are six accused in the present case, out of which five accused had already compromised the matter with the complainant and FIR against them had already been quashed. Now, complainant has compromised the matter with sixth accused Harjit Singh. The accused Harjit Singh was declared Proclaimed Offender in this case, but now complainant has compromised the matter with him. There is one complainant Jaswinder Singh and one injured Jagbir Singh, who have appeared and suffered statements regarding compromise with accused Harjit Singh. The main file was consigned to Record Room vide order dated 31.10.2017 passed by the learned Predecessor of this Court. The statements of parties so recorded, are also enclosed herewith for Your Honour's kind perusal. As such, the report as desired, is submitted herewith, please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioner have been recorded in the case and they 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.

Learned counsel for the petitioner has submitted that although, the petitioner was declared as proclaimed offender on 31.10.2017 but since, the compromise has been effected between the parties, it is thus prayed that the impugned order dated 31.10.2017 be set aside.

Learned counsel for respondents No. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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”, 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”, 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. 32 dated 26.05.2016 under Sections

323, 325, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Bilga, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner and the impugned order dated 31.10.2017 is set aside.

May 30th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No