

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33076-2021
Decided on : 28.03.2022

Abhishek and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Armaan Gagneja, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. N. S. Gill, Advocate for
Mr. G. S. Brar, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 213 dated 04.08.2021 under Sections 452, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Muktsar, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 18.02.2022, the following order was passed:

“Learned counsel for the petitioners has submitted that parties could not appear before the Illaqa Magistrate on account of unavoidable circumstances and seeks 15 days more time to appear before the Illaqa Magistrate to get statements recorded.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days and the Illaqa Magistrate/trial Court is directed to send report to this Court, in terms of the order dated 17.08.2021.

Adjourned to 28.03.2022.”

In pursuance of the said order, a report has been submitted by the Chief Judicial Magistrate, Sri Muktsar Sahib to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“The undersigned has carefully gone through the statements got recorded by the aforesaid parties. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.

Hence this report. Photocopies of the statements of the parties are enclosed herewith for kind perusal”

A perusal of the said report would show that 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. As per the said report, it has been observed that the petitioner was never declared as proclaimed offenders in the present case.

Learned counsel for the petitioners and respondents No.2 to 4 have submitted that in the present case, there are as many as 11 named accused and some unnamed accused as well whereas the petition has been filed by 8 persons with whom the compromise has been effected and the present case is a case of partial compromise. In support of the same, they have relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

Learned counsel for respondents No. 2 to 4 has again reiterated that the matter has been settled and the said compromise is in

the interest of all the persons and would help in bring out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the 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 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. 213 dated 04.08.2021 under Sections 452, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Muktsar, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 28th, 2022
Mehak

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