

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.260

CRM-M-32592-2021

Date of Decision: August 23, 2022

Iqbaljit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Gupreet Singh Dhillon, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Ayush Arora, Advocate for respondent Nos.2 and 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.45, dated 08.03.2020, under Sections 452, 323, 506, 148 and 149 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Jamalpur, District Ludhiana, and all other consequential proceedings arising therefrom on the basis of the compromise.

On 13.08.2021, this Court had passed the following order:-

“By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR, in question and proceedings emanating therefrom on the basis of compromise arrived at between the parties. Notice of motion for 15.12.2021.

Mr. P.S. Walia, AAG, Punjab, accepts notice on behalf of respondent – State while Mr. Aayush Arora, Advocate has appeared on behalf of respondent Nos.2 and 3.

Counsel for the petitioners is directed to supply copy of the paperbook to counsel opposite during course of the day.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 30 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other FIR or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

Pursuant to the aforesaid order, report dated 13.12.2021 has been received from Judicial Magistrate Ist Class, Ludhiana. The relevant part of the said report is as under:-

“1. Number of persons arrayed as accused in the FIR.

A. It is respectfully submitted that as per FIR and statement of investigating officer there are 10 accused persons in the present FIR, namely Iqbal Singh. Hamandep Singh, Balkaran Singh, Satinder Pal Singh, Tanjeet Singh, Manpreet Singh, Pargat Singh, Gurinder Singh, Varinder Singh and Sandeep Singh. However, accused DANNA has not returned up for his statement.

2. Whether any accused is declared as proclaimed offender?

A. In this regard, it is respectfully submitted that as per statement of investigating officer, NONE OF THE ACCUSED person(s) is declared as proclaimed person in

this FIR .

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

A. In this regard, it is respectfully submitted that in view of the statement suffered by the parties and from their demeanor during preliminary questioning, the
COMPROMISE APPEARS TO BE GENUINE, VOLUNTARY AND OUT OF FREE WILL OF THE PARTIES.

4. Whether the accused persons are involved in any other FIR or not.

A. In this regard, it is respectfully submitted that as per statement of investigating officer, there is no other criminal case pending against the accused persons.

Submitted please.

Enclosures:

- 1. Statement of all the appearing parties.*
- 2. Copy of compromise: Mark-A*
- 3. Copies of ID Proofs of parties.*

Yours faithfully

(Karan Aggarwal)
Judicial Magistrate 1st Class,
Ludhiana/10.12.2021 ”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case except petitioner No.10, namely Tanjeet Singh @ Tanna, as he lives in Canada, 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 ten accused persons and the compromise effected between the parties is genuine and has been arrived at between

them without any pressure or coercion. It is also stated in the report that none of the accused has been declared as proclaimed offender.

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 complainants. 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.45, dated 08.03.2020, under Sections 452, 323, 506, 148 and 149 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Jamalpur, District Ludhiana, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 23, 2022

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**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No