

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29735-2022
Date of decision : 22.08.2022

Karanjot Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Raj Kumar Bala, Advocate
for the petitioner.

Mr.M.S.Bajwa, DAG, Punjab.

Mr.Durga Dutt Sharma, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR no.25 dated 13.02.2015 registered under Sections 341, 307, 323, 148, 149 IPC at Police Station Mataur, District S.A.S. Nagar Mohali, Punjab and all other consequential proceedings arising therefrom on the basis of compromise.

On 15.07.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.25 dated 13.02.2015 registered under Sections 341, 307, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Mataur, District SAS Nagar, Mohali and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, offence under Section 307 of IPC is not even remotely made out inasmuch as a perusal of MLR (Annexure P-3)

would show that there are five injuries caused, out of which four are reddish abrasions and one is a swelling and all the injuries are on non-vital parts of the body and all the injuries are stated to be simple, and the weapon used is also blunt and it is thus, submitted that at best, the offence under Section 323 IPC is made out. It is further submitted that in the present case, there were three accused persons, out of which, one accused person i.e. the present petitioner has filed the present petition for quashing of FIR on the basis of compromise as the same has been effected with him and has submitted that the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Notice of motion for 22.08.2022.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Durga Dutt Sharma, Advocate appears on behalf of respondent No.2 and has reaffirmed the abovesaid facts as stated by learned counsel for the petitioners.

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

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.

15.07.2022”

In pursuance to the said order, a report has been submitted by

the District & Sessions Judge, SAS Nagar, Mohali. The relevant portion of the said report is reproduced hereinbelow:-

“On the basis of statements made by complainant, accused and I.O., my report containing the information, as sought by the Hon'ble High Court, is as under: -

- 1. In the present FIR No. 25 dated 13.02.2015 under Sections 341, 307, 323, 148, 149 of IPC registered at P.S. Mattaur District SAS Nagar (Mohali) at the instance of complainant Dev Singh, three persons namely Karanjot Singh, Damanjeet Singh and Harsimran Singh were only nominated as accused in this case during the investigation.*
- 2. No accused is proclaimed offender in this case.*
- 3. From the statements of the parties, this Court is satisfied that the compromise effected between them, is genuine, voluntary and without any coercion or undue influence.*

xxx xxx xxx

- 5. As per statement of the investigating officer, there is only one complainant/victim in this case namely Dev Singh.*

Original statements of complainant Dev Singh, accused Karanjot Singh and Investigating Officer ASI Lakhwinder Singh are sent herewith for your kind information and necessary action please. Report is submitted accordingly.

Yours faithfully,

*(Harpal Singh)
District & Sessions Judge,
SAS Nagar, Mohali.”*

A perusal of the above said report would show that the petitioner and respondent no.2 (complainant) have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondent no.2 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 bringing out peace and amity between the two 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 petitioner 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.”

Keeping in view of the above said facts and circumstances, this petition is allowed and FIR no.25 dated 13.02.2015 registered under Sections 341, 307, 323, 148, 149 IPC at Police Station Mataur, District S.A.S. Nagar Mohali, Punjab and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

August 22, 2022
Davinder Kumar

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