

**THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**
(283)

CRM-M-29619-2022

Date of Decision: 01.08.2022

DALVINDER SINGH @ DINDA AND ORS.

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Kumar Walia, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG Punjab.

Mr. Dharampal Singh, Advocate
for Ms. Areena Rani, Advocate, for respondent No. 2.

VIKAS BAHL J. (Oral)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.27 dated 22.02.2015, registered under Sections 341/323/506 of the Indian Penal Code, 1860, (Sections 325/34 of IPC have been added later on) at Police Station Sadar Sunam, District Sangrur and all the subsequent proceedings emanating therefrom on the basis of compromise.

On 13.07.2022, this Court has passed the following order:-

"This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.27 dated 22.02.2015 registered under Sections 341/323/506 of the Indian Penal Code, 1860 (Sections 325/34 of IPC have been added later on) at Police Station Sadar Sunam, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 01.08.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Areena Rani, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa

Magistrate/trial Court for recording their statements qua compromise within a period of 10 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?*

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.

13.07.2022 (VIKAS BAHL)
JUDGE "

In pursuance of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Sunam to the Registrar (General) of this Court. The relevant part of the report is reproduced hereinbelow:-

"The undersigned has carefully gone through the statements got recorded by the complainant and the accused. 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. Besides this, the parties have been duly identified by their counsels.

Further, the report of the undersigned was called as to number of persons arrayed as accused, whether any accused is proclaimed offender and whether accused are involved in any other FIR or not. In this regard, statement of ASI Jarnail Singh, Investigating Officer, has been recorded, who stated that present case was registered on the statement of complainant Kulwinder Singh against Dalwinder Singh @ Dinda, Amandeep @ Deputy, Kamalpreet Singh, Sukhwinder Singh @ Sukha and Kush out of which, accused Sukhwinder Singh @ Sukha and Kush have expired. The accused persons are not involved in any other case. There is only one victim/complainant namely Kulwinder Singh and no accused has been declared as proclaimed offender in the present case. Hence, this

report. Photocopies of the statements are enclosed herewith for kind perusal.

Submitted please:-

*Amandeep Kaur, PCS
Sub Divisional Judicial Magistrate,
Sunam, UID No. PB0307"*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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, this petition is allowed and FIR No.27, dated 22.02.2015, under Sections 341/323/506 of the Indian Penal Code, 1860, (Sections 325/34 of IPC added later on) registered at Police Station Sadar Sunam, District Sangrur, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

01.08.2022

naresh k./Ajay Goswami

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No