

305

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29632-2022

Date of decision : 30.08.2022

Raja Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. M.K. Bali, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.139 dated 05.07.2019 registered under Sections 66-C and 66-D of the Information Technology Act, 2000 at Police Station Goraya, District Jalandhar Rural (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.07.2022, this Court had passed the following order:-

“On 14.07.2022, this Court had passed the following order:-

“Learned counsel for the petitioners has submitted that Paramjit Singh has died and after his death, the sole surviving heir of said Paramjit Singh is Kewal Singh son of Gurmail Singh, who is brother of

Paramjit Singh as the said Paramjit Singh was unmarried and his parents have died and he does not have any sister or any other brother except Kewal Singh.

Learned State Counsel is directed to verify the abovesaid facts.

Adjourned to 21.07.2022.”

Learned State Counsel on instructions from ASI Harjit Singh has submitted that Paramjit Singh was unmarried and his sole legal representative would be Kewal Singh son of Gurmail Singh. It is further submitted that for the purpose of said verification, even statement of Ranjit Kumar, who is a member of Village Panchayat has been recorded.

This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.139 dated 05.07.2019 registered under Sections 66-C and 66-D of the Information Technology Act, 2000 at Police Station Goraya, District Jalandhar Rural (Annexure P-1) 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 30.08.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. F.S. Virk, Advocate appears on behalf of respondent Nos.2 to 4.

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.”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Phillaur. The relevant portion of the said report is reproduced hereinbelow:-

“3. It have been stated by the complainants/Victims Tarsem Singh, Lakhwinder Singh and Kewal Singh (Lr of complainant Paramjit Singh) that they have compromised the instant criminal case with accused Pardeep Kumar, Raja Singh and Sandeep Kumar. The instant compromise has been effected between them without any undue influence, coercion or pressure, and the same is outcome of their own free will and volition. They have no objection, if the FIR in question and all proceedings emanating therefrom are ordered to be quashed as per compromise against the accused. I am satisfied that the compromise is genuine, voluntery and without any coercion or undue influence.

4. As per the report received from the police station the accused persons Pardeep Kumar, Raja Singh and Sandeep Kumar are not involved in any other FIR.

5.As per the statement of the investigating officer, there are three victims/ complainants namely Tarsem Singh, Lakhwinder Singh and Paramjit Singh. As per report of IO Paramjit Singh has died on 03.08.2021 and Kewal Singh is his sole surviving legal heir. Statement of Kewal Singh (brother of Paramjit Singh) has also been recorded.

*Accordingly, the aforementioned report is forwarded for your kind information and necessary action.
Thanking you,*

*Yours faithfully,
Sd/- (Sukhmandeep Singh)
Judicial Magistrate Ist Class,
UID No.PB-0642-Phillaur”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

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**”, reported as **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**”, reported as **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.139 dated 05.07.2019 registered under Sections 66-C and 66-D of the Information Technology Act, 2000 at Police Station Goraya, District Jalandhar Rural (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

30.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No