

306-A

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

CRM-M-29973-2022

Date of decision : 30.08.2022

Ramanvir Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prabhdeep Singh Toor, Advocate
for the petitioners.

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

Mr. Suneet Pal Singh Aulakh, Advocate
for respondent Nos.2 to 6.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of cross case registered in FIR No.0053 dated 25.05.2018 registered under Sections 323, 324, 506, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Doraha, Police District Khanna, District Ludhiana vide DDR no.021 dated 26.05.2018 registered under Sections 323, 324, 341, 506, 148, 149 IPC and Sections 25,27, 54, 59 of the Arms Act, 1959 at Police Station Doraha, Police District Khanna, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise.

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

“This is a petition under Section 482 Cr.P.C. praying for quashing of cross case registered in FIR No.53 dated 25.05.2018 registered under Sections 323, 324, 506, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Doraha, Police District Khanna, District Ludhiana, vide DDR no.021 dated 26.05.2018 registered under Sections 323, 324, 341, 506, 148, 149 IPC and Sections 25,27, 54, 59 of the Arms Act, 1959 at Police Station Doraha, Police District Khanna, District Ludhiana and all other consequential 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 09.08.2022.

On the asking of the Court, Mr.Sarabjit Singh Cheema,AAG, Punjab, accepts notice on behalf of respondent no.1. Mr.Mr.S.P.S.Aulakh, Advocate, appears on behalf of respondent nos.2 to 6 and admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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.”

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

“From the statement of the parties as recorded in the Court, I am satisfied with regard to the genuineness of compromise effected between the parties and same is valid one. It is further respectfully submitted that the compromise has been effected without any pressure or coercion in any manner. As per the Investigating Officer, no accused has been declared proclaimed offender in this case and no proceedings against any accused is pending. As per the statement of Investigating Officer there are total 5 accused persons in the present case. As per the statement of investigating Officer earlier the FIR no. 194/2017, Police Station Sadar Khanna was registered against Narinder Singh but he was declared innocent in inquiry and in FIR no. 157 of 2004 of Police Station Doraha, accused Narinder Singh was acquitted. Further FIR no. 167/2018 of Police Station Samrala was quashed by the Hon'ble High Court as per the statement of the Investigating Officer.

Since the Investigating officer has not disclosed regarding the total number of complainant/victims so on intimation SHO, P.S.Doraha appeared and stated that the Investigating Officer has gone to Bihar in connection with the Investigation of some other case, so he has appeared with the record of the case and suffered the statement that he is familiar with the facts of the case and in the present case there is only one complainant/victim who is Jaskaran Singh. Further as the statement is to be sent to Hon'ble High Court today itself so, statement of SHO concerned is

recorded. So, as per his statement there is only one complainant/victim of the present case namely Jaskaran Singh.

Photocopies of the statements of the parties are attached herewith.”

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.

A perusal of the above report would also show that it has been stated that there is only one complainant/victim who is Jaskaran Singh, whereas a perusal of the petition would show that there are five victims. A perusal of the report alongwith the said statement would show that statements of Narinder Singh, Gurpreet Singh Badesha, Mandeep Singh and Gurdeep Singh, in addition to the statement of Jaskaran Singh, who were also the victims, have also been recorded by the trial Court in support of the said compromise. Even the statements of both the accused have also been recorded.

Learned counsel for respondent Nos.2 to 6 has submitted that the statements of other victims have also been recorded.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions has stated that this fact is

correct.

Learned counsel for respondent Nos.2 to 6 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 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 cross case registered in FIR No.0053 dated 25.05.2018 registered under Sections 323, 324, 506, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Doraha, Police District Khanna, District Ludhiana vide DDR no.021 dated 26.05.2018 registered under Sections 323, 324, 341, 506, 148, 149 IPC and Sections 25,27, 54, 59 of the Arms Act, 1959 at Police Station Doraha, Police District Khanna, District Ludhiana and all other consequential 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

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No