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

CRM-M-29710-2022

Date of decision : 30.08.2022

Jaskaran Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Suneet Pal Singh Aulakh, Advocate
for the petitioners.

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

Mr. Prabhdeep Singh Toor, Advocate
for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of cross case registered in DDR no.021/2018 vide 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 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 DDR no.021/2018 vide 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 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.Prabhddeep Singh Toor, Advocate, appears on behalf of respondent nos.2 and 3 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 statement of Investigating Officer, there are total five accused persons in the present case. As per the investigating Officer, at this stage no case is pending against the accused persons except the present one. However, as per the statement of accused Mandeep Singh another FIR no.94 of 2021 under section 323, 341, 34 IPC, Police Station Doraha is pending against him. As per the statement of accused Gurdeep Singh an FIR no. 145 of 2018 under section 61-1-14 Excise Act, Police Station Doraha is pending against him. As per the statement of accused Gurpreet Singh Badesha apart from the present case three another FIR were pending against him in Police Station Samrala, FIR no. 26/2017 under section 323, 324, 148, 34 IPC, FIR no.142/2019 under section 323, 325,148 IPC, FIR no. 20/2021 under section 323, 324,326, 34 IPC against him in Police Station Samrala.

Since the Investigating officer has not disclosed regarding the total number of complainant/victims so on intimation SHO, P.S. Doraha 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 Ramanvir 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 Ramanvir Singh.”

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.

Although, as per the abovesaid report, it has been stated that one complainant/victim is Ramanvir Singh but it is the case of the parties that there is one more victim i.e. Jagraj Singh Gill and a perusal of the statement alongwith the said report would show that even the statement of the said Jagraj Singh Gill, in support of the compromise, has been recorded alongwith that of Ramanvir Singh.

Learned counsel for respondent Nos.2 and 3 has also reiterated the fact that both Ramanvir Singh and Jagraj Singh Gill have given their statements in support of the compromise.

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 and 3 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**”, 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 DDR no.021/2018 vide 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 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

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No