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

CRM-M-30923-2022

Date of decision : 27.09.2022

Sukhdeep Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hitesh Chopra, Advocate and
Mr. Dushyant Sharma, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Siddant Bhonik, Advocate for
Mr. Mayank Gupta, Advocate for respondent Nos.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.237 dated 31.12.2021 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Mukerian, Tehsil Mukerian and Hoshiarpur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 20.07.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.237 dated 31.12.2021 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Mukerian, Tehsil Mukerian and

Hoshiarpur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

*Learned counsel for the petitioners has submitted that in the present case, there are three accused persons, out of which, two of the accused persons i.e. the present petitioners have filed the present petition and thus, 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 17.08.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Mayank Gupta, 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 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?*
- 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. ”*

Thereafter, the parties had moved an application, since they

could not appear before the trial Court on the date mentioned in the abovesaid order, thus, they had sought one more opportunity to appear before the trial Court and the same was granted vide order dated 17.08.2022 passed by this Court. The said order dated 17.08.2022 is reproduced hereasunder:-

“Learned counsel for the parties has submitted that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 27.09.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 28 days from today.

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.*

However, since the statement of the parties could not be recorded before the Illaqa Magistrate/trial Court in spite of the direction given vide order dated 20.07.2022, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the 'Punjab and Haryana High Court

Employees Welfare Association Fund', within a period of 28 days from today.”

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

“In compliance to the aforesaid order, it is respectfully submitted that the point-wise report of undersigned is as follows:

- 1. It is submitted that as per the statement of ASI Gurmeet, there are three accused namely accused/petitioner No. 1 Sukhdeep Singh, accused/petitioner No. 2 Ranbir Singh alongwith one other accused namely Ramandeep Singh, son of Manjit Singh.*
- 2. It is submitted that as per the statement of ASI Gurmeet Singh, none of the accused has been declared as proclaimed offender/proclaimed person in this case.*
- 3. In view of the statements recorded of the parties, the undersigned is of the view that compromise between the accused/petitioners and complainant/respondent no. 2 to 4 is genuine, and without any coercion or pressure.*
- 4. It is submitted that as per the statement of ASI Gurmeet Singh, none of the accused are involved in any other case.*
- 5. It is submitted that as per the statement of ASI Gurmeet Singh, there are above-said three victims/complainants namely complainant/respondent no. 2 Parikh Bakshi, complainant/respondent No. 3 Harnam Singh and complainant/respondent no. 4 Shubham Bakshi who have got recorded their statements with regard to compromise.”*

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. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for the petitioners has produced on record receipt dated 12.09.2022 showing the deposit of an amount of Rs.5000/- in the 'Punjab and Haryana High Court Employees Welfare Association Fund', as ordered by this Court. The said receipt is taken on record and marked as Mark "A".

Learned counsel for respondent Nos.2 to 4 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.

From the abovesaid report, it is apparent that there are three accused persons, out of which, only two of the accused persons i.e. the present petitioners have filed the present petition and thus, the present case is a case of partial compromise which is permissible as per the judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401**.

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.237 dated 31.12.2021 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Mukerian, Tehsil Mukerian and Hoshiarpur (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.

27.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**