

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29858-2022

Date of decision : 23.08.2022

Dilpreet Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Nagesh Paul, Advocate for
Mr. Sandeep Sharma, Advocate
for the petitioners.

Mr.Alankar Narula, AAG, Punjab.

Mr.Manoj Sharma, 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.107 dated 22.06.2019 registered under Sections 341, 323, 148, 149 IPC at Police Station Bhogpur, District Jalandhar Rural and all other consequential proceedings arising therefrom on the basis of compromise.

On 15.07.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.107 dated 22.06.2019 registered under Sections 341, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Bhogpur, 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 in the present case, there are three accused persons, out of which, two accused persons i.e. the present petitioners have filed the present petition for quashing of FIR on the basis of compromise as the same has been effected with them and has further submitted that 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 23.08.2022.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Manoj Sharma, Advocate appears on behalf of respondent No.2 and has reaffirmed the abovesaid facts as stated by learned counsel for the petitioners.

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.*

15.07.2022”

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

“From the statements of the complainant Navdeep Singh, attorney namely Harjinder Singh of accused Dilpreet Singh and accused Manjot Singh and SI Rashpal Singh, SHO, Bhogpur, my report is as under:

- 1 That the three accused namely Dilpreet Singh, Manjot*

Singh and Amanjit Singh had been arrayed as accused in the present FIR.

2. As per record, accused Amanjit Singh has been declared as Proclaimed offender vide order dated 07.12.2021.

3. That in view of the above statements of the complainant and the accused persons, I am of the opinion that the compromise is genuine, voluntary and has been arrived at between the parties present out of their free will.

4. That as per the statement of attorney of accused Dipreet Singh and accused Manjot Singh, one FIR bearing No. 130 dated 29.07.2019, U/S 323, 324, 326, 341, 148 and 149 IPC, PS Bhogpur was also registered against them. The quashing petition in the said case is pending in the Hon'ble High Court of Punjab and Haryana and is fixed for 9.12.2022.

5. That as per the statement of Investigating officer, there is only one complainant/Victim namely Navdeep Singh in this FIR.

Original statements of complainant Navdeep Singh, accused namely Manjot Singh and attorney namely Harjinder Singh of accused Dilpreet Singh and SI Rashpal Singh, SHO, Bhogpur along with the copies of their Adhar Cards and compromise are being sent herewith, as desired by the Hon'ble Court. Submitted please.

Yours faithfully,

(Neena Aggarwal)

*Judl. Magistrate 1st Class,
Jalandhar*

UID No. PB0558"

Encl: As above.

A perusal of the above said report would show that the petitioners and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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

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***”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.107 dated 22.06.2019 registered under Sections 341, 323, 148, 149 IPC at Police Station Bhogpur, District Jalandhar Rural and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

August 23, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No