

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(294)

CRM-M-29890-2022

Date of decision: - 08.08.2022

Mela Ram

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Manpreet Bagga, Advocate
for Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Mahipal S. Yadav, 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.104 dated 28.10.2015 registered under Sections 473, 182, 511 IPC (Sections 465, 468, 471 IPC added later on) at Police Station City I, Malerkotla, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise.

On 14.07.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.104 dated 28.10.2015 registered under Sections 473, 182, 511 IPC (Sections 465, 468, 471 IPC added later on) at Police Station City I, Malerkotla, District Sangrur and all other

consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 08.08.2022.

On the asking of the Court, Mr.Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of respondent no.1. Mr.Mahipal S. Yadav, Advocate, appears on behalf of complainant-respondent no.2 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.*

(VIKAS BAHL)
JUDGE

July 14, 2022”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Malerkotla to the Registrar of this Court. The relevant part of the report is reproduced hereinbelow:-

“Respected Sir,

I have honour to submit that in compliance of order ' dated 14.07.2022 of the Hon'ble Punjab and Haryana High Court, Chandigarh passed in CRM-M-29890 of 2022, complainant Manpreet Singh and accused Mela Ram have appeared and their statements

regarding compromise have been recorded. The report is submitted as under:

- 1. As per FIR and report of Police, there is only one accused arrayed in the present FIR namely Mela Ram.*
- 2. As per the report of Police, accused is not declared as Proclaimed Offender.*
- 3. As per the statement of complainant and accused, they have entered into compromise with their own free will and without any pressure or coercion or undue influence. The said compromise seems to be genuine, voluntary and out of free will of the parties.*
- 4. As per the report of Police, accused is not involved in any other FIR.*
- 5. As per FIR and statement of IO, there is only one victim/complainant namely Manpreet Singh.*

Submitted Please.

Dated: 30.07.2022

*(Harshbir Sandhu), PCS,
Judicial Magistrate 1st Class,
Malerkotla. (UID: PB0470)."*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioner has submitted that the petitioner has not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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**”, 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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.104 dated 28.10.2015 registered under Sections 473, 182, 511 IPC (Sections 465, 468, 471 IPC added later on) at Police Station City I, Malerkotla, District Sangrur and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

August 08, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No