

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

293

CRM-M-31352-2022(O&M)
Date of decision : 17.08.2022

NAVDEEP SINGH @ LOVE AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Lovepreet Singh, Advocate for
Mr. Ajay Kumar, 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.175 dated 21.06.2021 registered under Sections 379-B(2)/411 of the Indian Penal Code at Police Station Ranjit Avenue, District Amritsar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 30.06.2022 (Annexure P-2).

On 21.07.2022, 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.175 dated 21.06.2021 registered under Sections 379-B(2)/411 of the Indian Penal Code, 1860 at Police Station Ranjit Avenue, District Amritsar (Annexure P1) and all the subsequent 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 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. Ajay Kumar, Advocate appears on behalf of respondent No.2.

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.*

21.07.2022”

In pursuance to the said order, a report has been submitted by the Additional Sessions Judge, Amritsar. The relevant portion of the said report is reproduced hereinbelow:-

“It is respectfully submitted that the parawise report in the subject cited matter, as sought. vide order dated 21.07.2022 passed by the Hon'ble High Court is as follows:

- (1). That as per final report under Section 173 of Cr.PC and as per statement of SI Kulwinder Singh No. 650, Amritsar, Police Station Verka,*

Investigating Officer of the case, there are total 04 accused persons, arrayed as accused, in the present case.

(2). That as per statement of Si Kulwinder Singh Investigating Officer of the case, no accused in the present case has been declared as proclaimed offender.

(3). That in the present case complainant Sahibdeep Singh who is only victim in this case and the accused persons namely Navdeep Singh. Amritpal Singh. Vikramjit Singh and Arshdeep Singh have arrived at a compromise with each other and in light of the directions passed by the Hon'ble High Court dated 21.07.2022. complainant Sahibdeep Singh has appeared before this Court being trial Court on 4.8.2022 and got recorded his statement that he had lodged the FIR against accused Navdeep Singh, Amritpal Singh, Vikramjit Singh and Arshdeep Singh but now the matter has been compromised between them without any coercion or pressure and he has no any grudge against the accused persons as now: respectables of the society, have got the matter compromised between them and accused person. He further stated that he has no objection if the FIR of the case is quashed and accused are acquitted. On the same day i.e. 4.8.2022 except accused Navdeep Singh, other accused namely Arshdeep Singh Amritpal Singh and Vikramjit Singh appeared and got recorded their statements that matter has been compromised with the intervention of respectables without any coercion, threat or undue influence and they have no any grudge against the complainant as now respectables of the society. have got the matter compromised between them and complainant. Further on 09.08.2022. accused Navdeep Singh, who is on anticipatory bail, appeared before this Court and got recorded similar statement that matter has been compromised with the intervention of respectables without any coercion, threat or undue influence.

The undersigned has examined the parties in person and is of the considered opinion that compromise arrived at between the parties is

genuine and voluntary compromise and there is no coercion or undue influence, reflected as per statements of the parties.

xxx xxx xxx

(5) That directions have been duly complied with and statement of SI Kulwinder Singh Investigating Officer of the case have been recorded on 6.8.2022 and 9.8.2022 and as per statement of Investigating Officer, there is only one victim ie. Sahibdeep Singh and four accused persons namely Navdeep Singh, Amritpal Singh, Vikramjit Singh and Arshdeep Singh in the present case."

In totality the undersigned is of the opinion that compromise effected between the parties is genuine and voluntary and without any coercion or undue influence. Report is submitted herewith alongwith copies of the statements of the complainant, accused persons and Investigating Officer

Hence, the report submitted.

Encl: As above.

Yours Sincerely

*(Gurmohan Singh),
Additional Sessions Judge,
Amritsar
(UID No. PB0573)"*

A perusal of the above said report would show that the compromise in the present case has been found to be voluntarily, without any coercion or undue influence.

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

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

Learned counsel for respondent no.2-complainant 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. He prayed that FIR and subsequent proceedings may be quashed.

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 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 feel that the same was 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.175 dated 21.06.2021 registered under Sections 379-B(2)/411 of the Indian Penal Code at Police Station Ranjit Avenue, District Amritsar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 30.06.2022 (Annexure P-2) are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

17.08.2022

Amandeep

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