

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242

CRM-M-29396-2020
Decided on : 08.04.2022

Harbhajan Singh and another

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Inderjit Sharma, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Deepak Grover, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 55 dated 10.06.2020 under Sections 326, 324, 323, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station City Dorangala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 26.10.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for quashing of FIR No. 55 dated 10.06.2020, registered under Sections 326, 324, 323, 506, 34 of the IPC at Police Station Dorangala, District Gurdaspur, on the basis of the compromise entered into between the parties.

Notice of motion.

At this stage, Mr. Deepak Grover, Advocate puts

in appearance on behalf of respondent No. 2/complainant and undertakes to file his Vakalatnama on the next date of hearing. He admits to the factum of compromise entered into between the parties.

List again on 28.01.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaqa Magistrate 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 in FIR,*
- 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.*

However, this will be subject to a condition that petitioners will deposit an amount of Rs. 5,000/- as costs with District Legal Services Authority, Gurdaspur.

26.10.2020

(ARVIND SINGH SANGWAN)
JUDGE”

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

“It is further submitted that

- (1) As per statement of Investigating Officer, there are two (2) persons arrayed as accused in FIR.*

(2) No accused have been declared as Proclaimed Offender in this case as per record.

(3) All the parties to the petition have appeared for recording their statements, therefore, it appears that the compromise is genuine, voluntary and out of free will of the parties.

(4) As per statement of Investigating Officer, no accused person is involved in any other FIR.

The report is accordingly submitted please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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 none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 55 dated 10.06.2020 under Sections 326, 324, 323, 506 and 34 of the Indian Penal Code,1860 registered at Police Station City Dorangala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 8th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No