

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

CRM-M-35161-2021

Date of Decision: September 15, 2022

Gurnam Singh Johal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Gulrej Khan, Advocate for
Dr. Rau P.S. Girwar, Advocate
for the petitioner.

Mr. M.S. Atwal, AAG, Punjab.

Mr. Inderjeet Singh Brar, Advocate
for the complainant.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.179 dated 20.07.2021 under Sections 379-B, 341 and 323 IPC, registered at Police Station Chattiwind, Amritsar Rural, Punjab and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 12.08.2021 (Annexure P-3).

On 31.08.2021, this Court had passed the following order:-

“Case heard via video conferencing.

This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioner and respondent no.4, of FIR no.179 dated 20.07.2021 (as also all other subsequent proceedings arising therefrom), registered at Police

Station Chattiwind, Amritsar Rural, for the alleged commission of offences punishable under Sections 379-B, 341 and 323 of the IPC. A copy of the compromise deed has been annexed as Annexure P-3 with the petition.

Notice of motion be issued to the respondents.

Mr. Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court on behalf of respondents no.1 to 3 and Mr. Rajesh Tushar, Advocate, appears and accepts notice on behalf of respondent no.4.

A copy of the petition be handed to them during the course of the day.

Adjourned to 16.11.2021.

In the meanwhile, the petitioner, as also respondent no.4 would appear before the learned Area Magistrate/trial Court (as the case may be) up to 29.10.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioner.”

Pursuant to the aforesaid order, report dated 15.11.2021 has been received from Judicial Magistrate Ist Class, Amritsar. The relevant

paragraph of the said report is as under:-

“4. From the statement of complainant Lakhwinder Singh and accused Gurnam Singh Johal so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.

6. Kindly find enclosed herewith photocopies of statements of the complainant, accused, photo copies of their aadhar cards and photocopy of statement of SI ASI/IO Jagtar Singh 1539/ASR, of P.S. Chattiwind, Amritsar.

7. The report with regard to compromise on the basis of statements of the parties along-with statements of the parties, as directed by the Hon'ble High Court, is accordingly being submitted for perusal by His Lordship please.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there is only one accused and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

I have heard learned counsel for the parties and have also gone through the case 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 is of the view 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 view 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 the above, the petition is allowed and FIR No.179 dated 20.07.2021 under Sections 379-B, 341 and 323 IPC, registered at Police Station Chattiwind, Amritsar Rural, Punjab and all other consequential proceedings arising therefrom, is quashed qua the petitioner.

September 15, 2022

Sangeeta

(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No