

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

CRM-M-36151-2021

Date of Decision: 22.09.2022

Lakhbir Singh and another

.....Petitioners

Vs.

State of Punjaba and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Lovish Rattan, Advocate,
for the petitioners.

Mr. Manipal Atwal, D.A.G., Punjab.

Mr. Gursharan Singh Dhaliwal, Advocate,
for respondent no. 2.

AMAN CHAUDHARY, J. (Oral)

Present petition has been filed for quashing of FIR No. 82, dated 29.06.2019, under Sections 451/323/34 of the IPC, registered at Police Station Kabarwala, District Shri Muktsar, and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 19.03.2021 (Annexure P-2).

On 06.09.2021, this Court had passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing the FIR No.82 dated 29.06.2019 under Sections 451, 323 and 34 IPC, 1860, registered at Police Station Kabarwala, District Shri Muktsar Sahib, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise deed, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR is an outcome of

an altercation between the parties over petty issue, which is purely personal in nature and has been settled by virtue of compromise, Annexure P-2. By referring to Para 6 of the petition, he submits that the petitioners have not been declared as Proclaimed Offender in the case.

Notice of motion.

On asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. Mr. Gursharan Singh Dhaliwal, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 04.10.2021 or any date within fortnight thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 18.01.2022”

Pursuant to the aforesaid order, report dated 12.01.2022, has been received from Judicial Magistrate Ist Class, Muktsar Sahib. The relevant paragraph of the said report is as under:-

“4. In order to prove their identity, both the parties have placed on file their identity proof. Both parties are identified by their respective counsels. This court is satisfied that aforesaid statements made by the parties are voluntarily and their compromise has been arrived at genuine, voluntarily, threat, without any coercion or undue influence from either side. The present case is at the stage of prosecution evidence. It is further mentioned that ASI Amar Singh (Investigating Officer of the present case) suffered a statement that as per record two accused persons namely Lakhvir Singh and Kashmir Singh arrayed in this present FIR case no one is absconding/PO. He has further stated that there is no other criminal case is pending except the above said FIR against the accused person.

Report is hereby forwarded to your good self along with copies of statements of complainant, accused as well as their identification proof, as ordered by your good self.

Submitted please,

Encl:

1. Statement of parties.

2. Identity Proofs.

Yours faithfully,

(Kanwal Ji Singh)

Judicial Magistrate First Class, Malout,

District Sri Muktsar Sahib. UID

No. PB-0493”

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 are two accused persons 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 petitioners and the complainants. 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. 82, dated 29.06.2019, under Sections 451/323/34 of the IPC, registered at Police Station Kabarwala, District Shri Muktsar, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 22, 2022
nitin

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No