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

CRM-M-29909-2020
Date of decision : 07.04.2022

Lakhwinder Singh @ Lucky and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Shweta Sharma, Advocate for
Mr. Gopal Singh Nahel, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Navpreet Kaur Dhaliwal, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.54 dated 29.04.2015 registered under Sections 341, 323, 506, 148, 149 of the Indian Penal Code, 1860 (Section 325 of IPC has been added later on) at Police Station Moonak, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

Learned counsel for the petitioners requests for an adjournment to get the statement of petitioner No.1 recorded.

Adjourned to 29.04.2021.

In the meantime, statement of petitioner No.1 be recorded in terms of order dated 28.09.2020 and report be

furnished in respect thereto before the next date.

Sd/-(B.S. Walia)

Judge

January 18, 2021”

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate Moonak (Sangrur). The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

In reference to subject above cited and reference to order dated 28.09.2020, passed by the Hon'ble High Court, I have the honour to submit that as per direction of Hon'ble High Court, complainant and accused appeared on 02.12.2020 before Court and got their statements recorded. Investigating Officer appeared today i.e. on 08.01.2021 and got his statement recorded. As per statement of parties compromise appears to be genuine.

Report is submitted please.

Thanking you,

Yours faithfully,

Sd/- (Pushpa Rani)

Sub Divisional Judicial Magistrate

Moonak (Sangrur)

(UID-PB0279)

Encl:1. All statements recorded on

02.12.2020 and 08.01.2021

2. Copy of zimni orders dated

02.12.2020 and 08.01.2021”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused 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 the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are 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 two parties.

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 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**”, reported as **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**”, reported as **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.54 dated 29.04.2015 registered under Sections 341, 323, 506, 148, 149 of the Indian Penal Code, 1860 (Section 325 of IPC has been added later on) at Police Station Moonak, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

07.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No