

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

CRM-M-31596-2022

Date of Decision: 22.09.2022

ANUJIT SINGH WALIA AND ANOTHER

.....Petitioners

Vs.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. B.S Bhalla, Advocate,
for the petitioner.

Mr. Kamalpreet Singh Bawa, A.A.G., Punjab.

Ms. Amarjot Kaur, Advocate
for respondent No.2.

AMAN CHAUDHARY, J. (Oral)

Present petition has been filed for quashing of FIR No.231, dated 09.09.2021, under Sections 420, 406, and 120-B of the IPC, registered at Police Station Maqboolpura, District Police Commissionerate, Amritsar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 14.07.2022 (Annexure P-2).

On 22.07.2022, this Court had passed the following order:-

“The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.231 dated 09.09.2021 under Sections 420, 406, and 120-B of the IPC registered at Police Station, Maqboolpura, District Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom on the

basis of compromise/affidavit dated 14.07.2022 (Annexure P-2) effected between the parties.

Notice of motion.

At this stage, Ms. Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. Ms. Amarjot Kaur, Advocate appearing on behalf of respondents No.2 admits the execution of compromise/affidavit dated 14.07.2022 (Annexure P-2) and filed her Power of Attorney in the Court today which is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 22.08.2022 or any other date convenient to the Court for recording their respective statements with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.
- (v) Whether the compromise has been effected with all the accused persons and with all the complainant(s)/injured.

To come up on 22.09.2022 for further consideration.

Reply by respondent No.1-State be filed on or before the next date of hearing, if so desired.”

Pursuant to the aforesaid order, report dated 12.09.2022 has been received from Judicial Magistrate Ist Class, Amritsar. The relevant paragraph of the said report is as under:-

“ (1) It is humbly submitted that in compliance of the order

dated 22.07.2022 passed incase referred above by Hon'ble Punjab and Haryana High Court, this Court recorded the statement of complainant Didar Singh along-with the statements of petitioners/accused persons Anujit Singh and Ishandeep Singh, with regard to the compromise.

(2) The complainant was identified by his counsel Sh. Daves Kalsi, Advocate and the accused persons were identified by the counsel Sh. Rakesh Pandit Advocate. Both the parties to the case have suffered statements that with the intervention of the respectable persons, they have voluntarily entered into a compromise without any undue influence, coercion or force; out of their free will.

(3) Moreover, this court also recorded the statement of the Investigating Officer of the case namely ASI Baljinder Singh, No.2815/ASR, Police Station Maqboolpura, District Amritsar. The report of this court is hereby submitted as under:

(i) There are two accused persons arrayed in the FIR namely Anujit Singh and Ishandeep Singh;

(ii) The accused persons have not been declared as proclaimed offender in this FIR;

(iii) The case is at the stage of investigation as challan is yet to be presented in the court;

(iv) This court is satisfied that the compromise in the present case is genuine, voluntary and without any coercion or undue influence; and

(v) The compromise has been effected with all the accused persons namely Anujit Singh and Ishandeep Singh and with the only complainant namely Didar Singh.”

The statement of the parties and the investigating officer are attached herewith. The report is hereby submitted for kind perusal. I am highly obliged.

Thanking you,

*Yours Faithfully,
Judicial Magistrate Ist, Class
Amritsar/UID:PB0494”*

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.231, dated 09.09.2021, under Sections 420, 406, and 120-B of the IPC, registered at Police Station Maqboolpura, District Police Commissionerate, Amritsar, (Anneuxre P-1) and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 22, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No