

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32109-2022

Date of decision:24.08.2022

Amrik Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lalit Sharma, Advocate for the petitioners.

Mr. Kuldeep Singh, AAG, Punjab.

Mr. Sumit Kalyan, Advocate for
Mr. Adarsh Preet Singh Dhaliwal, Advocate for
respondents No.2 to 6.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.70 dated 03.06.2021 registered under Sections 323, 506, 147, 188 of the Indian Penal Code, 1860, Section 3 of Epidemic Diseases Act, 1897 and Section 52(B) of Disaster Management Act, 2005 at Police Station Division 1, Police Commissionerate Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 27.07.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.70 dated 03.06.2021 registered under Sections 323, 506, 147, 188 of the Indian Penal Code, 1860 and Section 3 of Epidemic Diseases Act, 1897 and Section 52(B) of Disaster Management Act, 2005 at Police Station Division 1, Police Commissionerate Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that in

*the present case, there are eight accused persons, out of which, seven accused persons i.e. the present petitioners have filed the present petition and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.*

Notice of motion for 24.08.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Adarsh Preet Singh Dhaliwal, Advocate appears on behalf of respondent Nos.2 to 6.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

The Illaqa Magistrate/trial Court 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.*
- 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?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

27.07.2022

(VIKAS BAHL)
JUDGE”

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

“.....my report is as under: -

- i. That there are seven accused namely Amrik Singh s/o Vijay Kumar Saini, 2) Mandeep Kaur W/o Amrik Singh 3) Satish Kumari W/o Dilbag Singh 4) Sandeep Singh S/o Sukhchain Singh 5) Sukhjit Kaur W/o Sandeep Singh 6) Amrinder Singh S/o Manmohan Singh 7) Inderjeet Kaur W/o Amrinder Singh in this case. They are appearing before the Court and are on bail.*
- ii. That none of the accused is proclaimed offender.*
- iii. The compromise is voluntary, genuine and without any*

- coercion or any undue influence.*
- iv. That as per statement of accused persons and Investigating Officer, the above said accused persons are not involved in any other FIR.*
 - v. That as per the statement of Investigating Officer there are only five complainant in the present FIR.*
 - vi. Statement of complainant and accused qua compromise has also been recorded.*

Photocopies of statements of complainant, accused and Investigating Officer along with the copies of their Adhar Card Ex.C1 to Ex.C12 are being sent herewith, as desired by the Hon'ble High Court.

Submitted please.

Yours faithfully,

(Shagun)
Judl. Magistrate 1st Class,
Jalandhar, UID No.PB00419”

A perusal of the above said report would show that the petitioners, respondents No.2 to 6 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondents No.2 to 6 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

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.70 dated 03.06.2021 registered under Sections 323, 506, 147, 188 of the Indian Penal Code, 1860, Section 3 of Epidemic Diseases Act, 1897 and Section 52 (B) of Disaster Management Act, 2005

P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

August 24, 2022.
Ishwar Singh

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No