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

CRM-M-30055-2020

Date of decision : 10.10.2022

Balbir Singh @ Beera and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Avtar Singh Khinda, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Sudhanshu Khanna, 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.88 dated 25.12.2019 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Talwandi Chaudharian, District Kapurthala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 23.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Written reply filed by the State counsel, which be
taken on record.*

Learned counsel representing respondent

No.2/complainant states that the balance amount of Rs.6 lacs has since been paid by the petitioners to the complainant in the form of bank draft. The statements of the parties with regard to the compromise have not yet been recorded.

Under the circumstances, the parties are directed to appear before learned Illaqa Magistrate/Duty Magistrate, Sultanpur Lodhi within one month from today and the Illaqa Magistrate/Duty Magistrate is to record the statements of the affected persons i.e. complainant and accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The Illaqa Magistrate/Duty Magistrate is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by the next date of hearing fixed as 10.05.2021.

The State counsel shall also get the genuineness of the compromise verified and inform the Court in that regard.

23.02.2021

*Sd/-(H.S. MADAAN)
JUDGE”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Sultanpur Lodhi. The relevant portion of the said report is reproduced hereinbelow:-

“(I) Parties have affected settlement/compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

(II) As per statement of investigating officer, no other criminal case is pending against either of the parties.

(III) As per statement of investigating officer Balbir Singh@Beera son of Amarjit Singh & Charanjit Kaur@Chiranjiv Kaur wife of Balbir Singh@Beera both

resident of village Saidpur, Tehsil Sultanpur Lodhi, District Kapurthala is the accused/petitioners in the present case and Balwinder Kaur wife of Phuman Singh resident of village Thatta Nawan, Tehsil Sultanpur Lodhi is the aggrieved party in this case and there is no other aggrieved party in present case.

(IV) As per statement of investigating officer, no other accused except the petitioner are the party in the present case and none of the petitioner/ accused have been declared proclaimed offender in the present case nor any proceedings for declaring them as proclaimed offender is pending.”

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. Learned counsel for the State, as per instructions has stated that the said fact is 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.88 dated 25.12.2019 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Talwandi Chaudharian, District Kapurthala (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.

10.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No