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

CRM-M-32422-2022

Date of decision : 18.08.2022

Sukhwinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Pratula Sethi, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Ramandeep Kaur Suhao, Advocate for
Ms. Arti Kaur, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.94 dated 10.06.2022 registered under Sections 323, 324, 326, 148, 149 of the Indian Penal Code, 1860 at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 27.07.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.94 dated 10.06.2022 registered under Sections 323, 324, 326, 148, 149 of the Indian Penal Code, 1860 at Police Station Majitha, District Amritsar Rural

(Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 18.08.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Arti Kaur, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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. ”*

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

“Kindly refer to the subject cited above.

I have the honour to submit that in compliance of order dated 27.07.2022, passed by Hon'ble High Court in CRM No.32422 of 2022, statement of Complainant Jagtaar Singh and injured Sukhraj Singh have been recorded. As per

their statements, they have compromised the matter with the accused namely Sukhwinder Singh, Balraj Singh, Manrubal Singh @ Rubal, Dilraj Singh @ Mapi Nihang, Balwinder Singh, Sukhraj Singh @ Laddi, Manipal Singh and Bhupinder Singh, out of their free will, consent and without any pressure, threat, coercion or undue influence.

Xxx xxx

I am satisfied that compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. It is further submitted that as per the statement of investigating officer ASI Baldev Raj No.1135/ASR(Rural), Police Station Majitha, Amritsar, he is the investigating officer of the present case. There are eight accused involved in the present case namely Sukhwinder Singh, Balraj Singh, Manrubal Singh, Dilraj Singh, Balwinder Singh, Sukhraj Singh, Manipal Singh and Bhupinder Singh. Accused has never been declared as proclaimed offender in the present case. Accused Balwinder Singh is also involved in the case bearing FIR No.02 dated 4.1.2006 under Section 304A/279/337/338 IPC, Police Station Ghal Khurd and case bearing FIR No.07 dated 6.1.006 under Section 15 of NDPS Act, P.S. A Division, Amritsar. Accused Bhupinder Singh is also involved in other case bearing FIR No.99 dated 5.7.2018 under Section 61 of Punjab Excise Act, P.S. Majitha, Amritsar. Accused Dilraj Singh is also involved in other case bearing FIR No. 78 dated 10.4.2007 under Section 326/324/323/427/148/149 IPC P.S. Majitha, Amritsar. There is only one complainant in the present case namely Jagtaar Singh son of Baldev Singh.

The report is being submitted please.

Thanking you,

Yours faithfully,

*Sd/- (Gagandeep Singh
Judicial Magistrate 1st Class,
Amritsar, UID No. PB0404”*

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 this fact is correct.

Learned counsel for respondent Nos.2 and 3 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.94 dated 10.06.2022 registered under Sections 323, 324, 326, 148, 149 of the Indian Penal Code, 1860 at Police Station Majitha, District Amritsar Rural (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.

18.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No