

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-36635-2021

Date of decision: - 10.03.2022

Gurdeep Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ajeet Pal Singh Pakka, Advocate,
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.344 dated 13.11.2017, registered under Sections 452, 323 and 34 of the IPC, at Police Station Talwandi Sabo, Bathinda and all the subsequent proceedings arising therefrom on the basis of compromise/affidavit.

On 08.02.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.344 dated 13.11.2017, registered under Sections 452, 323 and 34 of the IPC, at Police Station Talwandi Sabo,

Bathinda and all the subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 19.08.2021 (Annexure P-2).

On request, adjourned to 10.03.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise/affidavit 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/affidavit 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 said order, the report has been submitted by the Judicial Magistrate First Class, Talwandi Sabo to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“3. It is submitted that as per statement of Investigating Officer and as per record, there are only two accused in the present FIR, who are the petitioners in the present petition. No other person is involved in the present FIR except above said accused/petitioners nor any accused has been declared proclaimed offender. Avtar Singh is only complainant/victim in the present FIR. Accused are not involved in any other case, as per record of police station.

4. It is further humbly submitted that as per the statements of the parties, the compromise effected between the parties is voluntary and without any pressure.

5. Report is submitted accordingly.

Yours faithfully,

Yours faithfully,

*Akbar Khan, PCS
Judicial Magistrate First Class,
Talwandi Sabo.
UID Code No.PB0426.”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, with any pressure or coercion.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners 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 feel 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 what has been discussed hereinabove, this petition is allowed and FIR No.344 dated 13.11.2017, registered under Sections 452, 323 and 34 of the IPC, at Police Station Talwandi Sabo, Bathinda

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

March 10, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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