

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33414-2022

Date of decision: 31.08.2022

Rajinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

None for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.286 dated 02.08.2020 registered under Sections 323, 324, 326, 148 and 149 of the Indian Penal Code, 1860 at Police Station Civil Line Batala, District Batala (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise.

On 01.08.2022, 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. 286 dated 02.08.2020 registered under Sections 323, 324, 326, 148 and 149 of the Indian Penal Code, 1860 at Police Station Civil Line Batala, District Batala (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 31.08.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

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.*

01.08.2022 (VIKAS BAHL)
JUDGE”

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

“....As per statements of the parties, compromise has been effected between the parties. Compromise appears to be genuine and voluntary.

It is further submitted that ASI Ashok Kumar has come present and suffered a statement that there are four accused persons arraigned as accused in FIR namely Rajinder Singh S/o Harjeet Singh, Amninder Singh son of Rajinder Singh, Simranjit Singh aged son of Rajinder Singh and Amritpal Singh S/o Harjeet Singh all the residents of Simble chowk, PS Civil Line Batala, Tehsil Batala. No accused person has been declared PO till date. It is further submitted that there is no accused persons are involved in any other FIR or not. In this case, there is only one complainant/victim namely Daljeet Singh S/o Nirmal Singh R/o Village Shri Hargobindpur Road, Umarpura, Batala, District Gurdaspur.

True copies of statements of complainants, accused and IO are attached with this letter for your goodself's kind perusal and necessary action.

Submitted please.

Yours faithfully,

*(Rajinder Singh) PCS,
Judicial Magistrate 1st Class,
Batala/18.08.2022/Duty”*

A perusal of the above said report would show that the

petitioners, respondents No.2 and 3 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.

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 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 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

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.286 dated 02.08.2020 registered under Sections 323, 324, 326, 148 and 149 of the Indian Penal Code, 1860 at Police Station Civil Line Batala, District Batala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

August 31, 2022.

Ishwar Singh

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No