

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37667-2021

Date of decision : 07.02.2022

Harveer Singh and others

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.K.S.Lakhanpal, Advocate
for the petitioners.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.L.S.Lakhanpal, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.218 dated 22.08.2021 registered under Sections 323, 324, 336, 341, 506, 160, 148, 149 IPC and Section 25/27 of the Arms Act, 1959 at Police Station Anaj Mandi, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise dated 29.08.2021 (Annexure P-2).

On 01.12.2021, this Court was pleased to pass the following order:-

“ Learned counsel for the petitioner has submitted that on account of a communication gap, the parties could not appear before the trial Court and seeks one more opportunity for recording the statements of the parties.

Adjourned to 27.01.2022.

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

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 in FIR.*
- 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 case 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 to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Patiala. The relevant portion of the said report is reproduced hereinbelow:-

“Therefore, in view of the above statements of the parties, as well as Investigating Officer ASI Rajinder Kumar, it is reported that in the present case seven persons were arrayed as accused and none of them is declared as proclaimed offender It is further submitted that from the statements of the parties, named above, it appears that the compromise is genuine, voluntary and without any coercion or undue influence and that apart from the present FIR, the accused Gurjot Singh s/o Dharamjit Singh (petitioner No.4), was also involved as accused in another case bearing FIR No.100 dated 24.10.2016 u/s 341/323/506/34 IPC registered at Police Station Bakshiwala, District Patiala. It is further reported that as per the statement of the Investigating

Officer there is only one victim complainant and one eye witness, namely, Harpreet Singh, in the present FIR. Accordingly, I hereby submit my report and the copies of the statements of the parties, copies of their Aadhar cards, as well as, the copy of statement of Investigating Officer ASI Rajinder Kumar, are enclosed herewith for your kind perusal.

Submitted please.

Yours faithfully,

Sd/-

*(Abhay Rajan Shukla),
Judicial Magistrate Ist Class,
Patiala.*

Encl: a.a. ”

A perusal of the above said report would show that the petitioners and respondents no.2 and 3 have appeared and have suffered statements with respect to the compromise, which has been found to be voluntary, genuine, without any coercion or undue influence.

Learned counsel for the petitioners has submitted that none of the petitioners was declared proclaimed offender in the present case.

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

Learned counsel for respondents no.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 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.218 dated 22.08.2021 registered under Sections 323,

1959 at Police Station Anaj Mandi, District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

February 07, 2022.
Davinder Kumar

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