

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

249

CRM-M-32634-2020
Decided on : 08.04.2022

Mahakdeep Singh @ Prince Deep Singh Sidhu and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Satpreet Grewal Kapila, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Suminder Deep Kaur, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 38 dated 17.03.2020 under Sections 341, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 326 IPC added later on vide DDR No. 24 dated 30.04.2020) registered at Police Station Tanda, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 14.10.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Petitioners-Mahakdeep Singh @ Prince Deep Singh Sidhu and two others, have jointly filed the present petition inter alia with a prayer for quashing of FIR No.0038 dated 17.03.2020, registered under Sections 341, 324, 506, 148, 149 IPC; Section 326 IPC added

lateron vide DDR No.024 dated 30.04.2020, at Police Station Tanda Distt. Hoshiarpur, along with all consequential proceedings, on the basis of compromise.

Learned counsel for the petitioners submits that the parties have compromised the matter and in support thereof, he has attached the compromise dated 02.10.2020 (Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Sukhbeer Singh, Asstt. A.G., Punjab and Ms. Suminder Deep Kaur, Advocate, accept notice on behalf of respondents No.1 and 2 respectively.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties as submitted by counsel for the petitioners. It is also submitted that respondent No.2 has no objection to the quashing of the abovesaid FIR.

In view of the position as above, the parties are directed to appear before the learned trial court/Illaq Magistrate for recording of their statements with regard to the settlement. The learned trial court/ Illaq Magistrate is directed to record the statements of the petitioners and respondent No.2, as well as all/any affected person(s) regarding the factum of compromise. Written compromise, if any, be produced before the learned trial court/Illaq Magistrate.

List on 30.04.2021, to await the report of the learned trial Court/Illaq Magistrate concerned.

Learned trial court/Illaq Magistrate is directed to send its report regarding the genuineness of compromise alongwith statements of the parties before the date fixed.

14.10.2020

(GIRISH AGNIHOTRI)
JUDGE”

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

“2. Balwinder Kaur wife of Sardara Singh resident of Ward No. 14, Ahiyapur, PS Tanda, Distt. Hoshairpur being attorney of the complainant Gurinder Singh son of Sardara Singh resident of Ward No. 14, Ahiyapur, PS Tanda, Distt. Hoshairpur, has appeared in the Court and has testified that she is the attorney of the complainant Gurinder Singh who is her son. She has placed on record the said power of attorney as Ex.P1. She is fully conversant with the facts of the case. She has further testified that with the intervention of the respectables of the locality, compromise has been effected between them and the accused party. She has further stated that the compromise is genuine and has been executed voluntarily between them without any coercion or undue influence. She has further testified that original compromise dated 2-10-2020 has been attached with the petition before the Hon'ble High Court and the photocopy of compromise is Mark-A. Now they have no grudge against each other. She has also stated that she has no objection if the FIR against the accused persons is quashed.

3. Accused Mehakdeep Singh @ Prince, Harmanpreet Singh and Manjit Singh (Petitioners No. 1 to 3 in the petition before the Hon'ble High Court) also appeared in the court. They all vide separate statements testified that the aforesaid

case was registered against them. With the intervention of the respectables of the locality, compromise has been effected between them and the complainant. They further stated that the compromise is genuine and has been executed voluntarily between them without any coercion or undue influence. They have further stated that the original compromise dated 2-10-2020 has been attached with the petition before the Hon'ble High Court and the photocopy of compromise is Mark-A. They have also submitted that the FIR against them may kindly be quashed.

4. So, taking into consideration the above said facts and keeping in view the statements of the parties, this Court is of the considered opinion that a genuine compromise has been effected between the petitioners and the respondent No. 2. The compromise in my considered view has been executed voluntarily without any coercion or undue influence.

Hence, the report is submitted please.”

A perusal of the said report would show that it has been stated that the statements of the complainant (through Attorney Balwinder Kaur) as well as the petitioners 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 none of the petitioners were declared proclaimed offender in the present case

and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 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. 38 dated 17.03.2020 under Sections 341, 324, 506, 148 and 149 of the Indian Penal Code,1860 (Section 326 IPC added later on vide DDR No. 24 dated 30.04.2020) registered at Police Station Tanda, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 8th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No