

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38885-2021

Date of decision:12.10.2022

Kamaljit Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Rajvinder Kaur Sohal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms. Manpinder Kaur, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.69 dated 07.07.2019 registered under Sections 420 and 406 of the Indian Penal Code, 1860 at Police Station City Morinda, District Rupnagar (Annexure P-1) along with all the subsequent proceedings arising therefrom on the basis of compromise dated 24.05.2021 (Annexure P-2).

On 20.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 22.02.2022.

At this stage, Mr. Harbir Sandhu, AAG, Punjab accepts notice on behalf of respondent No.1-State, while Ms. Harjot Kaur, Advocate, has put in appearance on behalf of respondent No.2 and accepts notice on his behalf.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

- (i) The petitioners shall move an application before the trial Court/Ilaqa Magistrate concerned for recording statement of the petitioner as well as of the complainant qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Ilaqa Magistrate, the trial Court/Ilaqa Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Ilaqa Magistrate to either record the statement of the parties by physical process, if found convenient and safe subject to adherence of all the safeguards as prescribed by the health authorities or record the same by video conferencing.*
- (ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.*

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Ilaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Ilaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*

The report be submitted before this Court on or before the next date of hearing.

(GURVINDER SINGH GILL)
JUDGE”

20.09.2021

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

“From the statements of parties got recorded by them on 23.09.2021 in the Court, it appears that complainant Ravinder Singh and accused Kamaljit Singh have effected compromise with their own sweet will, voluntarily without any pressure and coercion in any manner, however, complainant has not effected compromise with accused Gurbinder Singh. The point wise Report of this Court, as sought by Hon'ble Court is as under:

- (i) There is one another accused, namely, Gurbinder Singh.*
- (ii) There is only one complainant, namely, Ravinder Singh.*
- (iii) No accused has ever been declared as proclaimed offender.*

Thanking You,

*Your's sincerely,
(Parul, PCS)
Judicial Magistrate 1st Grade
Rupnagar, UID-PB0400”*

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, voluntary and without any pressure.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 have jointly submitted that there are other accused also, but the compromise has been effected only with the present petitioner.

Learned counsel for the petitioner has relied upon the

judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401**, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2015** titled as '**Dalip Mandal and another Vs. State of U.T., Chandigarh and others**', in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioner only although, the matter had not been compromised between all the parties.

Learned counsel for respondent No.2 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 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 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”, 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, this petition is allowed and FIR No.69 dated 07.07.2019 registered under Sections 420 and 406 of the Indian Penal Code, 1860 at Police Station City Morinda, District Rupnagar (Annexure P-1) along with all the consequential proceedings emanating therefrom are ordered to be quashed, qua the

petitioner.

12.10.2022

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(VIKAS BAHL)
JUDGE

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