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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-38933-2021

Date of decision : 01.02.2022

Kunwar Beer Singh @ Cammy and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gagandeep Singh Bajwa, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Anantdeep Singh Sandhu, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.191 dated 14.10.2019 registered under Sections 436/452/427/506/34 of the Indian Penal Code, 1860 at Police Station B-Division, District Amritsar City and all the subsequent proceedings arising therefrom on the basis of compromise dated 08.09.2021 (Annexure P-2).

On 15.12.2021, this Court had passed the following order:-

“Learned counsel for the petitioners has submitted that due to communication gap, the parties could get their statements recorded as per the order dated 20.09.2021 and has prayed that one more opportunity be granted to the parties to get their statements recorded.

In view of the same, the parties are directed to get their statements recorded qua compromise within a period of one month from today.

Adjourned to 01.02.2022.

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

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.”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Amritsar. The relevant portion of the said report is reproduced hereinbelow:-

“4. As regards information desired by the Hon'ble High Court:-

- (i) Number of persons arrayed as accused in the FIR.*

As per statement of the investigating officer a total of two persons have been arrayed as accused in the present FIR i.e. Kanwar Beer Singh @ Cammy & Indraj Singh @ Bau and as per the record challan stands presented against them.

- (ii) *Whether any accused is proclaimed offender*

As per statement of the investigating officer, no accused has been declared a proclaimed offender in the present case nor are any such proceedings pending against any accused.

- (iii) *Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

The compromise thus appears to be genuine and valid and voluntary and out of free will and volition of the parties and without any any inducement, threat, coercion or undue pressure or influence.

- (iv) *Whether the accused persons are involved in any other FIR or not.*

As per statement of the investigating officer, accused Indraj Singh is not involved in any other FIR whereas accused Kanwar Beer Singh @ Cammy is involved in FIR No.176 dated 13.11.2019 under Section 379B IPC Police Station Mohkampura.

- (v) *The Trial Court was also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

As per statement of the investigating officer, there is only one victim/complainant namely Harbans Singh in the present case.

5. *As such, this report alongwith attested copies of statements of the parties and statement of the investigating officer is submitted for your kind perusal.*

Yours faithfully,

Sd/- (Himanshu Arora)

Judicial Magistrate First Class,

Encl: As Above.

Amritsar”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused 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 the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is correct.

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 two parties.

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 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**”, reported as **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**”, reported as **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.191 dated 14.10.2019 registered under Sections 436/452/427/506/34 of the Indian Penal Code, 1860 at Police Station B-Division, District Amritsar City and all the subsequent proceedings arising therefrom on the basis of compromise dated 08.09.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

01.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No