

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39315-2021

Date of decision:11.10.2022

Parshant and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Ajaypal Singh Sandhu, Advocate for

Mr. Harkirat Singh Bhogal, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of the FIR No.0164 dated 19.09.2019, under Sections 295,341,323,506,148,149 IPC, registered at Police Station Division No.3, Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 10.09.2021 (Annexure P-2).

On 21.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Present petition has been filed under Section 482 Cr.P.C. seeking quashing of the FIR No. 0164 dated 19.09.2019, under Sections 295,341,323,506,148,149 IPC, registered at Police Station Division No.3, Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab accepts notice on behalf of respondent No.1/State and Mr. Harkirat Singh Bhogal, Advocate accepts notice on behalf of respondent No.2.

The FIR in this case was registered on 19.09.2019. The parties entered into compromise about two years thereafter i.e.

on 10.09.2021. During this period, investigation has been completed by the State and now the case is fixed for framing of charges.

Parties may appear before concerned trial Court/Duty Magistrate on 12.10.2021 or on any other date convenient to the said Court to get their statements recorded with regard to the compromise. However, this shall subject to deposit an amount of Rs.10,000/- by the petitioners with the Director PGIMER, Chandigarh Poor Patient Welfare Fund.

The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 29.01.2022.

(HARINDER SINGH SIDHU)

21.09.2021

JUDGE”

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

“Further, perusal of FIR reveals that the same was registered against accused namely Paras S/o Sarjeevan Kumar, Parshant S/o Sarjeevan Kumar and Atul Vaid S/o Deepak Kumar and other 10/15 unknown persons. However, report under Section 173(8) Cr.P.C. was presented only against accused persons namely Paras S/o Sarjeevan Kumar, Parshant S/o Sarjeevan Kumar and Atul Vaid S/o Deepak Kumar. All three of them are appearing in the Court and are on bail. They also placed on record copy of receipt regarding payment of Rs.10,000/- in the contribution towards Poor Patient Welfare Fund, PGIMER, Chandigarh.

From the statements of the parties so recorded in the court on oath, it appears that a valid and genuine compromise has been effected between the parties. The aforesaid compromise appears to be genuine one and also appears to be entered into voluntarily with free will of the parties without any coercion or undue influence or pressure of any kind. As per the statement of the parties, no other case is pending between them.

Report is submitted please.

(Ashima Sharma),

*Judicial Magistrate 1st Class,
Ludhiana,
UID No.PB-0548”*

A perusal of the above said report would show that the petitioners and respondent No.2 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 offenders 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.

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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.0164 dated 19.09.2019, under Sections 295,341,323,506,148,149 IPC, registered at Police Station Division No.3, Ludhiana (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

11.10.2022
Ishwar

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