

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-40056-2021
Decided on : 15.02.2022

Gurnam Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rahul Sharma, Advocate for
Mr. B. S. Jaswal, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 162 dated 01.07.2021 under Sections 452, 323, 506, 427 and 34 of the Indian Penal Code, 1860 registered at Police Station Chattiwind, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 16.12.2021, the following order was passed:-

“Learned counsel for the petitioners has submitted that the parties could not appear before the concerned trial Court on account of communication gap between the parties. It is prayed that one more opportunity be granted to the parties to get their statements recorded.

Adjourned to 15.02.2022.

The parties are directed to appear before the Illaqa

Magistrate/trial Court for recording their statements qua compromise within a period of one month.

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

“3. Statement of investigating officer ASI/IO Gurbaksh Singh 1333/FZR, presently posted at PS Chattiwind, Amritsar has also been recorded to the effect that FIR was registered by Baldev Singh against accused Gurnam Singh, Surjit Singh, Dhanna Singh @ Dharminder Singh and Soni @ Sukhjit Singh and there are four accused persons namely Gurnam Singh, Surjit Singh, Dhanna Singh @ Dharminder Singh and Soni @ Sukhjit Singh are involved in present FIR or occurrence. He further stated that except these accused no other accused is involved in present FIR and that no person has been declared as proclaimed person in the present FIR. He also submitted that challan in the

present case against aforesaid accused person has not been presented till date and except present FIR, accused persons are not involved in any other case, He also stated that there is only one complainant/ Victim i.e. Baldev Singh in the present FIR.

4. From the statement of complainant Baldev Singh and Gurnam Singh, Surjit Singh, Dhanna Singh @ Dharminder Singh and Soni @ Sukhjit Singh so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.

6. Kindly find enclosed herewith photocopies of statements of the complainant, accused, photo copies of their aadhar cards and photocopy of statement of Gurbaksh Singh 1333/FZR, presently posted at PS Chattiwind, Amritsar.

7. The report with regard to compromise on the basis of statements of the parties along-with statements of the parties, as directed by the Hon'ble High Court, is accordingly being submitted for perusal by His Lordship please.

Accordingly the report is being submitted.

Thanking you,"

A perusal of the said report would show that 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 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.

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. 162 dated 01.07.2021 under Sections 452, 323, 506, 427 and 34 of the Indian Penal Code, 1860 registered at Police Station Chattiwind, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

February 15th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No