

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39216-2021

Date of decision: 11.10.2022

Ravinder Singh Punj and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishnu Dutt, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Naveen Bawa, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

Prayer in this petition is for quashing of the FIR No.68 dated 13.04.2021 under Sections 458,427,148,149,323,506 IPC, 1860, registered at Police Station Sadar, District Ludhiana (Annexure P-1), along with all consequential proceedings arising therefrom, on the basis of compromise dated 07.07.2021 (Annexure P-2) arrived at between the parties.

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

“Heard through video conferencing.

Prayer in this petition is for quashing of the FIR No.68 dated 13.04.2021 under Sections 458, 427, 148, 149, 323, 506 IPC, 1860, registered at Police Station Sadar, District Ludhiana, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 07.07.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR has been registered on the allegation that the petitioners allegedly attacked the complainant and his family members because they had objected when the petitioners set their dogs loose on the street. Counsel submits that the dispute between the parties, which is purely personal, has been settled by virtue of

Panchayati compromise, Annexure P-2. He submits that the petitioners have not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. Mr. Naveen Bawa, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 27.10.2021 or any date within fortnight thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 21.02.2022.

(SUVIR SEHGAL)
JUDGE”

21.09.2021

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:-

“....As directed vide order dated 21.09.2021, the report is as under:

- 1. There are three accused arrayed in the FIR namely Ravinder Singh Pun, Maninder Singh Pun and Baljot Singh. No accused has been declared proclaimed offender in this case.*
- 2. Complainant Tarlochan Singh Lamba son of Late Harbhajan Singh, resident of house no.4, Moti Bagh Colony, Pakhowal Road, Ludhiana has come present and got recorded his statement.*
- 3. Investigation is pending. Challan has not been presented in this case.*

4. *Compromise has been effected between the parties is genuine, voluntary and out of free will.*
 5. *No other criminal case is pending against the accused as per the statement of I.O.*
- Report is submitted for perusal.*

*Yours faithfully,
(Davinder Singh),
Judicial Magistrate 1st Class,
Ludhiana,
UID No.PB-0569”*

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.68 dated 13.04.2021 under Sections 458,427,148,149,323,506 IPC, 1860, registered at Police Station Sadar, District 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