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

CRM-M-35962-2022

Date of Decision: September 14, 2022

GURWINDER SINGH

....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Swarn Tiwana, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Satvir Singh, Advocate
for the complainant.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned FIR No.109, dated 19.12.2020 under Sections 419, 420, 465, 467, 468 and 474 IPC registered at Police Station Mulepur, District Fatehgarh Sahib and all subsequent proceedings arising there from on the basis of compromise in the shape of affidavit dated 04.08.2022 (Annexure P-2).

On 16.08.2022, this Court had passed the following order:-

“This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing FIR No.109,

dated 19.12.2020, under Sections 419, 420, 465, 467, 468, 474 of Indian Penal Code, registered at Police Station Mulepur, District Fatehgarh Sahib and all subsequent proceedings arising therefrom on the basis of the compromise in the shape of affidavit dated 04.08.2022 (Annexure P-2).

Learned counsel for the petitioner submits that all the persons concerned are party to the compromise. The averments regarding the same have been made in para No.11 of the petition.

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Sr. DAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Satveer Singh, Advocate appears on behalf of respondent No.2 and admits that the compromise has been effected between the parties.

*In view of the submissions made on behalf of the parties,
they are directed to appear before the Illaqa Magistrate for recording their statements qua the compromise within a period of 15 days.*

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.
Adjourned to 14.09.2022.”*

Pursuant to the aforesaid order, report dated 06.09.2022 has been received from Judicial Magistrate, Ist Class, Fatehgarh Sahib. The relevant paragraph of the said report is as under:-

“(1) There is only one accused namely Gurwinder Singh son of Late Jeet Singh, resident of Village Bagrian, District Fatehgarh Sahib.

(2) There is no proclaimed person in the present FIR.

(3) From the above statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of coercion or undue influence.

(4) Another FIR No.59 dated 09.07.2012 was registered against the accused Gurwinder Singh. However, it is stated by the Investigating Officer Sub Inspector Jagroop Singh that he does not know the facts of said FIR.

(5) Statement of Sub Inspector Jagroop Singh, Investigating Officer of the present case, has been recorded, as per which, there is one complainant namely Gurwinder Singh son of Baldev Singh, resident of Village Bagrian, District Fatehgarh Sahib in the present FIR

The report with regard to compromise on the basis of separate statements of the parties, is accordingly being submitted for kind perusal.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are five accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed

offender and no other case has been registered against the accused persons except the FIR in question.

I have heard learned counsel for the parties and have also gone through the case 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 complainants. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and impugned FIR No.109, dated 19.12.2020 under Sections 419, 420, 465, 467, 468 and 474 IPC registered at Police Station Mulepur, District Fatehgarh and all other consequential proceedings arising there from, is quashed qua the petitioner.

14.09.2022

Sangeeta

**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No