

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CRM-M-40206-2021
Decided on : 21.03.2022

Tejinder Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Navdeep Monga, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rasvinder Singh Anttal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of DDR No. 47 dated 28.10.2020 under Sections 341, 323, 294 and 506 of the Indian Penal Code, 1860 registered at Police Station Anaj Mandi, District Patiala (Annexure P-1) in cross FIR No. 188 dated 28.10.2020 under Sections 451, 323, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Anaj Mandi, District Patiala (Annexure P-2) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before a co-ordinate Bench of this Court on 29.09.2021, the following order was passed:-

“Vide CRM-M-40302 of 2021, the petitioners seek

quashing, on the basis of a compromise arrived at between the petitioners and respondent no.2, of FIR no.188 dated 28.10.2020, registered at Police Station Anaj Mandi, District Patiala, for the alleged commission of offences punishable under Sections 323, 451 and 506 of the IPC read with Section 34 thereof (as also all other subsequent proceedings arising therefrom). A copy of the compromise/settlement deed has been annexed as Annexure P-2 with the petition.

Vide CRM-M-40206 of 2021, the petitioner seeks quashing on the basis of a compromise arrived at between the petitioner and respondent no.2, of the cross case, bearing DDR no.47 dated 28.10.2020, registered at the same police station, for the alleged commission of offences punishable under Sections 341, 323, 294 and 506 of the IPC (as also all other subsequent proceedings arising therefrom). A copy of the compromise/settlement deed has been annexed as Annexure P-2 with each petition.

Without making any comment on the actual merits of the cases, let notice of motion be issued in both the petitions, to the respondents. On the asking of the Court, Mr. Bhupender Beniwal, AAG, Punjab, accepts notice on behalf of respondent no.1 in each petition, with Mr. Navdeep Monga, Advocate, also accepting notice on behalf of respondent no.2 (in CRM-M-40302 of 2021) and Mr. Rasvinder Singh Anttal, Advocate, accepting notice on behalf of respondents no.2 in CRMM-40206 of 2021. A copy of each petition be sent to the learned State counsel during the course of the day.

Adjourned to 10.12.2021.

In the meanwhile, the petitioners, as also respondent no.2 in each case, would appear before the learned Area Magistrate/trial Court (as the case may be)

up to 12.11.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases, of like nature or otherwise, pending against the petitioner or not.

29.09.2021
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(AMOL RATTAN SINGH)
JUDGE”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Patiala to the Deputy Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As directed by your good-self the report is as under:

- 1) The number of accused in the present case is one and his statement has been recorded. As per report the statement of police official- ASI Bhupinder Singh no. 2882/Patiala, Police Station Anaj Mandi, Patiala recorded separately, the accused was not declared as proclaimed offender in this case.*

- 2) *As per reports submitted by Sh. Mohit Aggarwal, PPS, Deputy Superintendent of Police City-2, Patiala no other case has been registered against the accused as per their record.*
- 3) *The complainant/ aggrieved- Manjit Kaur and accused Tejinder Singh put in appearance before the undersigned and their statements regarding compromise were recorded.*
- 4) *The compromise is genuine and without any pressure or undue influence of the parties.*

Report is submitted for your kind perusal.

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 petitioner has submitted that the petitioner was never declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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”, 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 DDR No. 47 dated 28.10.2020 under Sections 341, 323, 294 and 506 of the Indian Penal Code, 1860 registered at Police Station Anaj Mandi, District Patiala (Annexure P-1) in cross FIR No. 188 dated 28.10.2020 under Sections 451, 323, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Anaj Mandi, District Patiala (Annexure P-2) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

March 21st, 2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No