

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M-39899-2021
Decided on : 09.03.2022

Paramvir Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sahil Khunger, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. M. S. Dalal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 136 dated 21.08.2021 registered under Sections 323, 341, 427, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 379-B IPC added later on) registered at Police Station Koom Kalan, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 08.02.2022, the following order was passed:-

“CRM-1221-2022

*This is an application filed under Section 482 of Cr.P.C.
with a prayer for granting one last opportunity to the*

petitioners to get their statements recorded before the Illaqa Magistrate/trial Court qua the compromise affected between the petitioners and respondent No.2.

Learned counsel for the applicants/petitioners has submitted that on the last date of hearing, the statements of the parties could not be recorded on account of a bomb blast in the premises of Ludhiana Courts and thus, the applicants-petitioners pray for one more opportunity for recording the statements.

In view of the above, the present application is allowed and the parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days from today.

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.*

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List on 09.03.2022. ”

In pursuance of the said order, a report has been submitted by
the Judicial Magistrate 1st Class, Ludhiana to the Registrar (General) of

this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In view of the abovesaid statements of complainant and accused it appears that the compromise between the parties has been effected voluntarily out of free will, without any coercion or undue influence and is genuine one. The pointwise information as sought by Hon'ble Court of Punjab and Haryana vide order dated 8.2.2022 passed is as under:

- i) So far as question of number of persons arrayed as accused in FIR is in concern, on the perusal of papers and as per statement of IO it is observed that there are total 4 accused involved in the present FIR no. 136 dated 21.8.2021. It is further submitted that earlier there were only three accused were mentioned in the FIR in the present case however accused Harjeet Singh @ Jeeta was nominated and added in the present case later on by separate Special Chalu Report.*
- ii) It is most humbly submitted that no accused in this case has been declared as Proclaimed Offender as per statement of complainant and as per statement of IO of this case.*
- iii) In view of the abovesaid statements it appears that the compromise so arrived between the parties is genuine, without any coercion, voluntarily and out of free will.*
- iv) It is further humbly submitted that as per statement of accused Paramvir Singh there are three cases of Excise Act are pending against him and one case of Excise Act has been decided and another case of Mining Act has also been decided.*

Accused Ramandeep Singh, Jagjit Singh and Hardeep Singh have stated that one case under Section 307 IPC is pending against them.

However as per statement of Investigating Officer ASI Dilbag Rai total seven FIRS are registered against accused Paramvir Singh, out of seven FIRS six cases are pending in the Hon'ble Courts at Ludhiana and one case was decided on 19.11.2015 by the Court of Sh Rajinder Singh Nagpal the then JMIC Ludhiana. However FIR no. 141/21 Uis 307,324,148 and 149 IPC and 25-27-54-59 of Arms Act is registered against accused Hardeep Singh, Ramandeep Singh and Jagjit Singh.

v) It is further humbly submitted that as directed statement of Investing Officer namely ASI Dilbag Rai no. 1274/LDH has been recorded to the effect that there is only one complainant in the present FIR.

Accordingly, report is being submitted please. This is for your kind information.

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. The fact that the petitioners are involved in some other cases also, would not come in the way of quashing of the present FIR on the basis of compromise. 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.

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 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. 136 dated 21.08.2021 registered under Sections 323, 341, 427, 506, 148 and 149 of the Indian Penal Code,1860 (Section 379-B IPC added later on) registered at Police Station Koom Kalan, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 9th, 2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No