

290

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

CRM-M-36475-2022

Date of decision : 14.09.2022

Harpal Singh @ Bobby and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. G.S. Rawat, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.148 dated 11.12.2021 registered under Sections 323, 341, 506, 34 of the Indian Penal Code, 1860 (Section 295-A of IPC has been added later on) at Police Station Division No.1, District Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.08.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.148 dated 11.12.2021 registered under Sections 323, 341, 506, 34 of the Indian Penal Code, 1860 (Section 295-A of IPC has been added later on) at Police

Station Division No.1, District Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 14.09.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. G.S. Rawat, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua 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. ”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Jalandhar. The relevant portion of the said report is reproduced hereinbelow:-

“i. That there are five accused namely 1) Harpal Singh @ Bobby S/o Harjinder Singh, 2) Kulwinder Kaur W/o Harpal Singh @ Bobby, 3) Jasmit Singh @ Jassi S/o Harpal Singh @ Bobby, 4) Sarabjit Singh @ Sabhi S/o Harjinder

Singh, 5) Narinder Kaur W/o Sarabjit Singh @ Sabbi in this case. They are appearing before the Court and are on bail.

ii. That none of the accused is proclaimed offender.

iii. The compromise is voluntary, genuine and without any coercion or any undue influence.

iv. That as per statement of accused persons and Investigating Officer, the above said accused persons are not involved in any other FIR.

v. That as per the statement of Investigating Officer there is only one complainant in the present FIR.

vi. Statement of complainant and accused qua compromise has also been recorded.

Photocopies of statements of complainant, accused and Investigating Officer along with the copies of their Adhar Card Ex.C1 to Ex.C6 and copy of compromise deed Mark A are being sent herewith, as desired by the Hon'ble High Court. Submitted please.

Yours faithfully,

Sd/- (Shagun)

Judicial Magistrate First Class,

Jalandhar, UID No.PB00419”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 the petitioners were not declared proclaimed offender in the present case and

there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

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**”, reported as **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**”, reported as **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.148 dated 11.12.2021 registered under Sections 323, 341, 506, 34 of the Indian Penal Code, 1860 (Section 295-A of IPC has been added later on) at Police Station Division No.1, District Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

14.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No