

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.262

CRM-M-31951-2019

Date of Decision: September 12, 2022

Ranjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Devender Kumar Kaushal, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Manoj R. Sharma, Advocate for
Mr. Rajender Kumar , Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.91, dated 05.09.2016, under Sections 420, 465, 468, 471 and 120-B of the IPC, registered at Police Station Majitha, District Amritsar Rural, and all other consequential proceedings arising therefrom on the basis of the compromise dated 20.04.2019 (Annexure P-2).

On 16.08.2019, this Court had passed the following order:-

“This petition has been filed seeking quashing of FIR No. 91 dated 05.09.2016, (registered for the alleged commission of offences punishable under Sections 420/465/468/471/120-B IPC, at Police Station Majitha, District Amritsar), as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Though no counsel is present for the petitioners, petitioner no. 1, Ranjit Singh has appeared in person and has

produced his 'Aadhar card' in court to establish his identity. Notice of motion be issued to the respondents, returnable on 25.11.2019.

In the meanwhile, the petitioners as also respondent no. 2, would appear before the learned trial Court/Area Magistrate up-to 04.09.2019 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.

The trial Court/Area Magistrate 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.

Learned State counsel would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.”

Pursuant to the aforesaid order, report dated 09.09.2019 has been received from the Judicial Magistrate 1st Class, Amritsar. The relevant portion of the said report is as under:-

“In these circumstances, I am of the view that the compromise between the parties has been arrived at voluntarily, is genuine and bonafide and not a result of pressure or coercion.”

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.

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 petitioner(s) and the complainant(s). 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 FIR No.91, dated 05.09.2016, under Sections 420, 465, 468, 471 and 120-B of the IPC, registered at Police Station Majitha, District Amritsar Rural, and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

September 12, 2022

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(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No