IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-35486 of 2020
Date of decision : April 04, 2022

Sandeep Singh Bajaj @ Sandeep and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. M. K. Bhatnagar, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sanjeev Kumar Bawa, Advocate,
for respondents No.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.065 dated 11.04.2020 registered under Sections 307/ 341/323/325/506/148/149 IPC at Police Station Mohakmpura, District Police Commissionerate Amritsar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 28.07.2020 (Annexure P-2).

On 03.11.2020, a coordinate Bench of this Court was pleased to pass the following order:-

> *"The present petition has been filed by the petitioners under Section 482 Cr.P.C. praying for quashing of FIR no.065 dated 11.04.2020 registered under Sections 307/ 341/323/325/506/148/149 IPC at Police Station Mohakmpura, District Police Commissionerate Amritsar and subsequent proceedings arising therefrom on the basis of compromise dated 28.07.2020.*
>
> *Notice of motion for 04.02.2021.*
>
> *On the asking of the Court, Mr. Ramdeep P. Singh, DAG,*

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Punjab accepts notice on behalf of the State. Mr. Sanjeev Kumar Bawa, Advocate, accepts notice on behalf of the complainant-respondents No.2 and 3.

Learned counsel for the petitioners is directed to supply copies of the paper book to the opposite counsel during course of the date.

Let the parties now appear before the trial Court/Illaqa Magistrate on 27.11.2020 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The trial Court/Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties before the next date of hearing. It shall also be reported whether petitioner(s) have been declared Proclaimed Offender(s) in this case or not.

(RAJBIR SEHRAWAT)
03.11.2020 ***JUDGE"***

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

"I have the honour to submit here that I have gone through the statements given by the parties and passed various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise between accused/petitioners Sandeep Singh Bajaj @ Sandeep, Kuljit Singh @ Bitto, Sanju Bajaj @ Sanju, Rajwinder Singh @ Raju, Daljit Singh @ Jeeta and Surinder Kaur and Manjinder Singh (complainants) effected is without any pressure or coercion. The sole purpose of parties for effected compromise between them is their desire to live in peace and harmony. As directed vide order dated 03.11.2020, the report is as under:

1. *The statements of parties are recorded and are attached herewith.*
2. *As per the statements of parties the compromise is genuine, voluntarily and out of free will of the*

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parties.

3. *As per statement of IO no other FIR is pending against the accused.*
4. *No proclaimed proceedings are pending against either of the parties.*

Report is submitted for per perusal.

Yours Faithfully,

Sd/-

(Davinder Singh)
Judicial Magistrate 1st Class,
Amritsar, UID No.PB-0569

Enclosures:-

1. *Photocopy of the statement of complainant/respondent.*
2. *Photocopy of the statements of accused/petitioners.*
3. *Photocopy of Aadhaar Card of the complainant.*
4. *Photocopy of Aadhaar Card of the accused/petitioners.*
5. *Statement of ASI Ranjit Singh no.3192/Amritsar."*

Learned counsel for the parties have jointly submitted that in the present case there is no injury attributed to the petitioners which is dangerous to life. It is also submitted that *prima facie* offence U/s 307 IPC is not made out.

A perusal of the above said report would show that the petitioners and complainant-respondents no.2 and 3 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine and out of free will.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondents no.2 and 3 has again reiterated

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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",* 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*

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> *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."*

In view of what has been discussed hereinabove, this petition is allowed and FIR no.065 dated 11.04.2020 registered under Sections 307/ 341/323/325/506/148/149 IPC at Police Station Mohakmpura, District Police Commissionerate Amritsar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

April 04, 2022
anil

Whether speaking / reasoned Yes/No
Whether reportable Yes/No

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