

297

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

CRM-M-36747-2022 (O&M)

Date of decision : 15.09.2022

Simranjit Singh @ Vicky

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. N.P.S. Hira, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

CRM-34872-2022

This is an application filed under Section 482 of Cr.P.C. for adding Sections 411 and 34 of IPC in the main petition.

Learned counsel for the applicant/petitioner has submitted that Sections 411 and 34 of IPC have been added at the time of filing of the challan and thus, the same have not been mentioned in the headnote as well as in prayer clause of the petition.

Notice in the application.

On advance notice, Mr. Iqbal S. Mann, DAG, Punjab, appears on behalf of the State and has reiterated the abovesaid fact as stated by learned counsel for the applicant-petitioner.

Keeping in view the abovesaid facts and circumstances, the present application is allowed and Sections 411 and 34 of IPC are ordered to be added in the headnote as well as in prayer clause of the petition.

Registry is directed to carry out the necessary corrections.

Main case

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.189 dated 01.08.2021, registered under Sections 457 and 380 IPC (Sections 411 and 34 of IPC have been added later on) at Police Station Sadar Amritsar, District Amritsar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.08.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.189 dated 01.08.2021, registered under Sections 457 and 380 IPC, at Police Station Sadar Amritsar, District Amritsar and all the subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 15.09.2022.

On the asking of the Court, Mr. A.S. Grewal, DAG, Punjab, accepts notice on behalf of respondent No.1. Mr. Tarun Kumar, Advocate, appears on behalf of respondent No.2 admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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 Additional Chief Judicial Magistrate, Amritsar. The relevant portion of the said report is reproduced hereinbelow:-

“That following is the requisite information, as directed:

- 1. That as per statement of IO ASI Kulwant Singh and as per Court record, two persons i.e.instant petitioner Simranjit Singh alias Vicky and Raghubir Singh alias Raghu, are arrayed as accused in present FIR.*
- 2. That as per statement of IO ASI Kulwant Singh and as per Court record, none of the accused is ever declared Proclaimed Offender.*
- 3. That the compromise effected between complainant Rajan Aggarwal and accused Simranjit Singh alias Vicky is genuine, voluntary, out of free will and without any coercion or undue influence.*
- 4. That as per statement of IO ASI Kulwant Singh, no any other FIR or criminal proceedings are pending against any of the accused persons.*
- 5. That as per statement of IO ASI Kulwant Singh and as per Court record, Rajan Aggarwal, son of Darshan Lal is the only victim/complainant in present FIR.*

Submitted please.”

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 petitioner has submitted that in the present case, there are two accused persons, out of which, one accused person i.e. the present petitioner has filed the present petition for quashing of FIR on the basis of compromise and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

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**”, 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.189 dated 01.08.2021, registered under Sections 457

and 380 IPC (Sections 411 and 34 of IPC have been added later on) at Police Station Sadar Amritsar, District Amritsar and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

15.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No