

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41716-2021

Date of decision : 01.12.2022

Sawinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr.Iqbal S.Mann, DAG, Punjab.

Ms.Jyoti Kaur, Advocate for
Mr.Parminder Singh Kanwar, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of criminal complaint No.53 dated 01.05.2015 registered under Sections 307, 324, 325, 364, 365, 506, 148 and 149 of the IPC and the summoning order dated 06.04.2016 passed by JMIC, Tarn Taran and all consequential proceedings arising therefrom, on the basis of compromise.

On 05.09.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of criminal complaint No.53, dated 01.05.2015 (Annexure P-1), under Sections 307, 324, 325, 364, 365, 506, 148 and 149 of the IPC and the summoning order dated 06.04.2016 (Annexure P-2) passed by JMIC, Tarn Taran and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

List on 01.12.2022.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court on 20.09.2022, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender;*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- (iv) Whether the accused persons are involved in any other FIR or not.*

(SANDEEP MOUDGIL)
JUDGE

05.09.2022 ”

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

“In pursuance of the directions, parties have come present in the Court and suffered their statements voluntarily, without any pressure regarding compromise effected between them with regard to complaint tiled as "Mehar Singh Vs. Man Singh & ors" bearing no.53 dated 01.05.2015 under Sections 307, 324, 325, 364, 365, 506, 148, 149 of IPC, pending before the Court of undersigned for 26.09.2022.

As per statements of parties and record, complaint tiled as "Mehar Singh Vs. Man Singh & ors" bearing no.53 dated 01.05.2015 under Sections 307, 324, 325, 364, 365, 506, 148, 149 of IPC was filed by complainant Mehar Singh against six accused persons namely Sawinder Singh, Man Singh, Dalbir Singh, Angrej Singh, Sarabjeet Singh and Paramjit Singh and all accused were summoned u/s 323, 324, 365, 506, 149 of IPC vide order dated 06.04.2016.

As per statements of parties and record, complainant Mehar Singh died during the proceedings of this complaint and his wife namely Manjit Kaur has been substituted as complainant in this complaint.

As per statements of parties and report of Ahlmad, none of the accused has been declared proclaimed offender in this complaint.

The parties suffered their statements voluntarily before Court as they have compromised their dispute with the intervention of respectable of locality which seems to be genuine.”

A perusal of the above said report would show that the petitioners and respondent nos.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 and learned counsel for respondents no.2 and 3 have stated that although the complaint had been filed under Section 307 IPC but the summoning order has been passed under Sections 323, 324, 365, 506, 149 IPC and the said fact is also apparent from the summoning order as well from the above said order.

Learned counsel for respondent nos.2 and 3 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***”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the

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.”

In view of what has been discussed hereinabove, this petition is allowed and criminal complaint No.53 dated 01.05.2015 registered under Sections 307, 324, 325, 364, 365, 506, 148 and 149 of the IPC and the summoning order dated 06.04.2016 passed by JMIC, Tarn Taran and all consequential proceedings arising therefrom are ordered to be quashed, qua the petitioners.

December 01, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No