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

CRM-M-36795-2020 (O&M)

Date of decision : 30.08.2022

Ajaypal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.B.S. Randhawa, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Rahul Kumar Prashar, Advocate for respondent No.2
(LR of respondent No.2)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.16 dated 09.05.2018 registered under Sections 420/406 of the Indian Penal Code, 1860 at Police Station Qadian, Police District Batala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 08.08.2022, this Court had passed the following order:-

“Learned counsel for the applicant-petitioner has submitted that respondent No.2 has died on 16.12.2020 and has the following LRs: -

“(i) Sonia Bhatia, widow, aged about 45 years,

(ii) Sarandeep Singh son of Arvinder Singh Bhatia, aged

about 22 years.

(iii) Prabhdeep Singh son of Arvinder Singh Bhatia, aged about 25 years, All residents of Mohalla Dharampura, Qadian, Tehsil Batala, District Gurdaspur."

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise and the petitioner as well as LR of complainant-respondent No.2 be granted 15 days period for recording of their statements in support of the compromise.

Adjourned to 30.08.2022.

The petitioners as well as LR of complainant-respondent No.2 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, Batala. The relevant portion of the said report is reproduced hereinbelow:-

"It is further submitted that ASI Ramesh Kumar has come present and suffered a statement that there is only one

person arraigned as accused namely Ajaypal Singh S/o Balwinder Singh R/o Village Dhupsari. Tehsil Batala, District Gurdaspur as per FIR. In this case there is no accused person has been declared as proclaimed offender. It is further averred that no FIR/Criminal case is pending against accused Ajaypal Singh at PS Qadian as per record. It is further averred that there is only one complainant namely Arvinder Singh Bhatia S/o Jaswant Singh R/o Mohalla Dharampura Qadian. Tehsil Batala, District Gurdaspur and there is no victim in this case.

True copies of statements of complainants, accused and IO are attached with this letter for your goodself's kind perusal and necessary action.

Submitted please,

Yours faithfully,

*Sd/- (Rajinder Singh) PCS,
Judicial Magistrate 1" Class
Batala/18.08 2022/Duty"*

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.

A perusal of the above record would also show that respondent No.2 had died leaving behind three legal representatives i.e. Sonia Bhatia, Sarandeep Singh and Prabhdeep Singh and the statements of the said three legal representatives have been recorded by the trial Court and the said joint

statement is annexed alongwith the abovesaid report.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and there are no other cases pending against the petitioner. 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 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.16 dated 09.05.2018 registered under Sections 420/406 of the Indian Penal Code, 1860 at Police Station Qadian, Police District Batala 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.

30.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No