

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(245)

CRM-M-41794-2021

Date of decision: - 07.02.2022

Mohinder Singh @ Soni and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. H.P.S. Ghuman, Advocate,
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Naveen Kumar, Advocate
for respondent Nos.2 and 3.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.19 dated 25.02.2020, registered under Sections 452, 354, 427, 323, 506, 148 and 149 IPC at Police Station Bhadson, Tehsil Nabha, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise dated 24.09.2021 (Annexure P-2).

On 28.10.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“CRM-M-41794-2021

This is a petition for quashing of FIR on the basis that a compromise has been entered into between the parties.

Notice of motion for 17.12.2021.

At this stage, Mr. C.L. Pawar, Sr. DAG Punjab, who is present in court, accepts notice on behalf of respondent No.1-State. Similarly, Mr. Naveen Kumar, Advocate accepts notice on behalf of respondents No.2 and 3 and files the power of attorney, which is taken on record. He admits to the factum of compromise.

Service is complete.

The parties are directed to appear before the learned trial Court/Illaq Magistrate on 17.11.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 17.12.2021.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

October 28, 2021

**(JAISHREE THAKUR)
JUDGE”**

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Nabha, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“From the statements of the parties, it appears to the Court that the complainant Balwinder Kaur and injured Paramjit Singh and accused (1) Mohinder Singh @ Sony (2) Jaswinder Kaur (3) Gurpreet Singh (4) Sandeep Kaut (5) Hardeep Singh @ Deep effected compromise without any pressure, coercion and same has been effected with the free consent of the parties and compromise is genuine, voluntary and without any coercion or undue influence. As per the statement of complainant no accused has been declared proclaimed offender in this case. A perusal of the Court record also

shows that none of the accused is declared as proclaimed offender in this case or in any other case before this Court.

The copies of statements of the persons, named above are enclosed herewith for kind perusal of the Hon'ble Punjab & Haryana High Court.

Submitted please.

Encls: a/a

Yours faithfully,

Ankita Mittal, PCS

Judicial Magistrate Ist Class,

Nabha/ UID No. PB-0542”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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 feel 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 what has been discussed hereinabove, this petition is allowed and FIR No.19 dated 25.02.2020, registered under Sections 452, 354, 427, 323, 506, 148 and 149 IPC at Police Station Bhadson, Tehsil Nabha, District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

February 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No