

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-37055-2020
Decided on : 22.03.2022

Gurpreet Singh and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Piyush Sharma, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. J. S. Grewal, Advocate
for respondent Nos. 2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 39 dated 26.04.2017 under Sections 324, 323 and 34 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Lakho Ke Behram, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before a Coordinate Bench of this Court on 11.12.2020, the following order was passed:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in this petition is for quashing of FIR

No.39 dated 26.04.2017 under Sections 324, 323, 34 of Indian Penal Code, 1860, later on offence under Section 326 of IPC added, registered at Police Station Lakho Ke Behram, District Ferozepur, along with all consequential proceedings arising therefrom, on the basis of compromise dated 24.02.2020 arrived at between the parties which is reflected from affidavit, Annexure P-2.

Counsel for the petitioners has referred to paras 10 and 11 of the petition to submit that none of the petitioners have been declared as proclaimed offenders nor they are involved in any other criminal case. He further submits that the injury attributed to the accused is on the non-vital organ of the body.

Notice of motion.

On asking of the Court, Mr. Mehardeep Singh, Addl. A.G., Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1 and Mr. J.S.Grewal, Advocate accepts notice on behalf of respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 18.01.2021 for getting their statements recorded with regard to the compromise.

The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have*

appeared and made their statements in support of the compromise;

- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 08.04.2021. ”

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Guruharsahai to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As per statement of the parties, investigating Officer and in view of the record, it appears that the compromise between the parties is genuine, voluntary and without any coercion or undue influence. Further, there are total four accused in this case and all of them have appeared and none of the accused is absconding/PO in this case. Further, complainant Mohinder Singh is the only aggrieved/injured person in this case. Challan has not yet been presented in the court in this case and no other criminal case is pending against any of the parties.

Find enclosed true copies of statements of Mohinder Singh (respondent complainant) and Gurpreet Singh, Manjeet Singh, Harpreet Singh and Lakhwinder Singh (petitioners/accused) and copies of their Aadhar Cards.

Report is hereby submitted for your kind consideration.”

A perusal of the said report would show that 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 petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 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. 39 dated 26.04.2017 under Sections

324, 323 and 34 of the Indian Penal Code,1860 (Section 326 IPC added later on) registered at Police Station Lakho Ke Behram, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 22nd, 2022
Mehak

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