

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41917-2021

Date of Decision: 15 September, 2022

Malkit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Kunal Choksi, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.0153, dated 28.08.2021 under Sections 454, 380 and 411 IPC registered at Police Station Mahilpur, District Hoshiarpur and all subsequent proceedings arising there from on the basis of compromise dated 23.09.2021 (Annexure P-2).

On 06.10.2021, this Court had passed the following order:-

“ Notice of motion.

*Mr.Harpreet Multani, AAG, Punjab and
Mr.G.S.Saini, Advocate, accept notice on behalf of
respondent No.1 and respondent No.2, respectively.*

Learned counsel for the petitioner undertakes

to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.153, dated 28.08.2021, registered under Sections 454, 380 and 411 IPC, at Police Station Mahilpur, District Hoshiarpur on the strength of a written compromise dated 23.09.2021 (Annexure P-2) entered into between the parties.

The petitioner as also respondent No.2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 14.10.2021 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.”

To await the report of the Illaqa Magistrate/Trial Court adjourned to 01.02.2022. ”

Pursuant to the aforesaid order, report dated 27.10.2021 has been received from Judicial Magistrate Ist Class, Garhshankar. The relevant paragraph of the said report is as under:-

“So, as per the statement suffered by the accused

and complainant they have compromised the matter, voluntarily, without any coercion or undue influence and compromise is genuine one. The point wise report is given here under as sought by Honorable High Court:

1.) There is no other accused other than the petitioners/accused in the FIR no. 153 dated 28.08.2021 under section 454, 380, 411 IPC.

2.) No P.O. proceedings and no other criminal case pending against above said accused.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there is only one accused person and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

I have heard learned counsel for the parties and have also gone through the case 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 complainants. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view 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 the above, the petition is allowed and FIR No.0153, dated 28.08.2021 under Sections 454, 380 and 411 IPC registered at Police Station Mahilpur, District Hoshiarpur and all other

consequential proceedings arising therefrom, is quashed qua the petitioner.

September 15, 2022

Sangeeta

(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No