

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42247-2021

Date of decision:19.09.2022

Satpal Singh @ Mannu and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Jagjeet Singh, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.125 dated 16.11.2018 under Sections 379, 120-B IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1) along with all the consequential proceedings arising therefrom, on the basis of compromise dated 23.09.2021 (Annexure P-2).

On 08.10.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case heard via video conferencing.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between them and respondent no.2, of FIR no.125 dated 16.11.2018, registered at Police Station Verowal, District Tarn Taran, for the alleged commission of offences punishable under the provisions of Sections 379 and 120-B of the IPC, as also all other subsequent proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr. V.G. Jauhar, Sr.D.A.G., Punjab, accepts notice at

the asking of the court on behalf of respondent no.1.

A copy of the petition be emailed to learned State counsel by counsel for the petitioners today itself.

Adjourned to 13.01.2022.

Respondent No.2 be served by way of normal process.

In the meanwhile, the petitioner(s), as also respondent no.2, would appear before the learned trial court/Ilaqa Magistrate upto 09.12.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/ herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases registered against the petitioners, of like nature or otherwise.

08.10.2021

(AMOL RATTAN SINGH)
JUDGE”

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

“That the present FIR was registered on the statement of complainant Charan Singh against Satpal Singh @ Mannu, Dilbag Singh @ Bago and Mehnga Singh

- 1. That there is no any other accused other than the petitioners involved in the present case.*

That the compromise between the complainant and the accused persons have been arrived at and the same is genuine, voluntarily, without any coercion or undue influence with their free will.

As such, the compliance report alongwith the statements of the present parties is hereby sent to your goodself's office.

Report submitted, please.

Yours faithfully,

*Ms. Gurpreet Kaur, PCS,
Sub Divisional Judicial Magistrate,
Khadur Sahib”*

A perusal of the above said report would show that the petitioners and complainant/respondent No.2 have appeared and 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 has further submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.125 dated 16.11.2018 under Sections 379, 120-B IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

19.09.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

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