

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39193-2022

Date of decision:28.09.2022

Amarjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.K. Raghuvanshi, Advocate for
Mr. Vijay Lath, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Tushar Sharma, Advocate for respondents No.2 & 3.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.156 dated 04.08.2018 registered under Section 420 of the Indian Penal Code, 1860, Section 24 of the Immigration Act and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Rupnagar, District Rupnagar, Punjab (Annexure P-1) along with all the subsequent proceedings arising therefrom on the basis of compromise dated 21.08.2022 (Annexure P-2).

On 31.08.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.156 dated 04.08.2018 registered under Section 420 of the Indian Penal Code, 1860, Section 24 of the Immigration Act and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Rupnagar, District Rupnagar, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 26.09.2022.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Tushar Sharma, Advocate appears on behalf of respondent Nos.2 and 3.

The parties 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.*

(VIKAS BAHL)

31.08.2022

JUDGE”

In pursuance to the said order, a report has been submitted by Judicial Magistrate First Class, Rupnagar. The relevant portion of the said report is reproduced hereinbelow:-

“3. The undersigned after recording the statements of the parties is satisfied that the compromise is genuine, voluntary and without any pressure, threat, coercion or undue influence.

4. xxxx xxxx

5. As per the statement of the Investigating Officer, there were two victims namely Jog Raj and Balwinder Singh and one complainant namely Jog Raj in the present FIR.

Copies of the statements, compromise and Adhaar cards of the parties are enclosed herewith for your kind perusal.

Submitted please.

Yours Faithfully,

(Mehak Puri)

*Judicial Magistrate First Class,
Rupnagar”*

A perusal of the above said report would show that the

petitioner and respondents No.2 & 3 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 petitioner has further submitted that the petitioner was not declared proclaimed offender 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 petitioner.

Learned counsel for respondents No.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 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***”, 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.

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.156 dated 04.08.2018 registered under Section 420 of the Indian Penal Code, 1860, Section 24 of the Immigration Act and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Rupnagar, District Rupnagar, Punjab (Annexure P-1) along with all other consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

28.09.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No