

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-38396-2020
Decided on : 18.05.2022

Jaswant Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. J. S. Brar, Advocate
for the petitioner.

Mr. A. A. Pathak, Addl. A.G., Punjab.

Mr. Shivender Pal Singh, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 301 dated 08.11.2019 under Sections 353, 186, 294 and 506 of the Indian Penal Code, 1860 registered at Police Station City Faridkot, Distict Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 05.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Petitioner accused Jaswant Singh and complanant Dr. Rajiv Joshi have appeared before this Court through Video Conferencing. Jaswant Singh has apologized to the complainant and complainant states that it being so his grievances

have been addressed and he has no objection if the F.I.R is quashed. It is stated that the challan in this case has since been filed and the next date of hearing before the trial Court is 17.3.2021.

Under the circumstances, the parties are directed to appear before the trial Court within one month from today, so as to get their statements recorded regarding compromise. The trial Court is to report whether the compromise has been entered into voluntarily, without any threat or coercion and the same is genuine. It be also intimated whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by next date of hearing.

Adjourned to 18.5.2021.

05.03.2021 *Sd/-
(H. S. MADAAN)
JUDGE”*

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class, Faridkot to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As per order dated 05.03.2021 passed by the Hon'ble Punjab & Haryana High Court in CRM-M 38396-2020 in case titled as Jaswant Singh V's State of Punjab & another, FIR No. 301 dated 08.11.2019, under sections 353/186/194/506 IPC, Police Station City Faridkot. the statements of complainant namely Dr Rajiv Joshi and accused Jaswant Singh and concerned Criminal Ahlmad Hari Shankar have been recorded. The

complainant and accused have stated that they have effected a compromise with the help of relatives and respectables. The complainant Dr Rajiv Joshi has submitted that he has no objection if the present FIR and its proceedings are quashed against accused Jaswant Singh.

1. As per statements of both the parties they have settled the matter. I am satisfied that the compromise effected between them is genuine, voluntary and without any kind of undue influence and coercion.

2. As per report of concerned Criminal Ahlmad, there is only one accused namely Jaswant Singh in the present FIR No. 301 dated 08.11.2019, under sections 353/186 194 506 IPC. Police Station City Faridkot. No criminal case is pending against the present accused and neither he is declared proclaimed offender in the present case or any other case.

Submitted with regards.”

A perusal of the above report would show that the statements of Complainant as well as the petitioner have been recorded in the case and they 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 301 dated 08.11.2019 under Sections 353, 186, 294 and 506 of the Indian Penal Code, 1860 registered at Police Station City Faridkot, Distict Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 18th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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