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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-43420-2021

Date of decision : 16.09.2022

Jagjeet Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parunjeet Singh, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Imran Ahmad, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.207 dated 06.11.2020, registered under Sections 324, 323, 506 and 34 of IPC, at Police Station Sarabha Nagar, Police Commissionerate, Ludhiana, District Ludhiana and subsequent proceedings arising therefrom on the basis of compromise.

On 14.10.2021, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.207 dated 06.11.2020, registered under Sections 324, 323, 506 and 34 of IPC, at Police Station Sarabha Nagar, Police Commissionerate, Ludhiana, District Ludhiana and subsequent proceedings arising therefrom on the basis of compromise dated 30.04.2021

(Annexure P-2).

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

Notice of motion for 12.01.2022.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Bani Mahajan, Advocate appears on behalf of respondent No.2 and filed her power of attorney. Same is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one month.

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.”*

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

“The statement of IO ASI Pardeep Kumar no. 1736/Ludhiana in this regard has been recorded to the effect that he is investigating officer of the case and as per record available with PS Sarabha Nagar, there are two accused persons namely Balwinder Singh and Jagjit Singh

in the present case and none of them is proclaimed offender in the present case and both the accused persons are not involved in any other FIR and there is only one victim/complainant i.e. Amanpreet Singh in the present case.

As desired, the report is as follows:

- 1. From the statement of both the parties, it appears to the court that the compromise appears to be genuine, voluntary and without any coercion or undue influence.*
- 2. As per FIR and report of Ahlmad and as per record available on judicial file, there are two persons i.e. petitioners arrayed as accused persons in the present case.*
- 3. As per statement of Investigating Officer Pardeep Kumar no. 1736/Ludhiana of the present case, there is no accused except the present accused persons/petitioners in the present FIR and he further suffered separate statement to the effect that as per record available with the police station Sarabha Nagar, there is no other criminal proceeding pending against the accused persons and the accused persons/petitioners have neither been declared proclaimed offender nor any proclamation proceeding is pending against them.*
- 4. As per report of concerned SHO, the accused persons/petitioners have not been involved in any other FIR except this FIR and as per record available with the police, no other proceeding is pending against the accused persons/petitioners.”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

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**”, reported as **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”, reported as **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.207 dated 06.11.2020, registered under Sections 324, 323, 506 and 34 of IPC, at Police Station Sarabha Nagar, Police Commissionerate, Ludhiana, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

16.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**