

254-A

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

CRM-M-43721-2021

Date of decision : 16.09.2022

Amarjit Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Amandeep Singh Rai, Advocate for
Mr. Narinder Kumar Awasthi, 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.182 dated 29.08.2017 under Sections 452, 341, 323, 506 and 34 of IPC, at Police Station City Tarn Taran, District Tarn Taran and all the 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.182 dated 29.08.2017, registered under Sections 452, 341, 323, 506 and 34 of IPC, at Police Station City Tarn Taran, District Tarn Taran and subsequent proceedings arising therefrom on the basis of compromise dated 12.02.2021 (Annexure P-3).

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 Mr. Narinder Kumar Awasthi, Advocate appears on behalf of respondent No.2.

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.”*

Thereafter, the parties had moved an application, since they could not appear before the trial Court on the date mentioned in the abovesaid order, thus, they had sought one more opportunity to appear before the trial Court and the same was granted on 17.12.2021 by this Court. The order dated 17.12.2021 passed by this Court is reproduced hereas under:-

“This is an application under Section 482 of Cr.P.C. to grant one more opportunity to the parties to appear before the Illaqa Magistrate/trial Court for recording of their statements.

Learned counsel for the applicants/petitioners as well as respondent No.2 have submitted that in the present case, as per the order dated 14.10.2021, the parties had to get

their statements recorded within a period of one month from 14.10.2021 but however, on account of some difficulty as detailed in the application, the same could not be done and seek one more opportunity to get the statements record.

Learned counsel for the State has submitted that he has no objection in case the present application is allowed.

In view of the above, the present application is allowed and the parties are granted one more opportunity to appear before the Illaqa Magistrate/trial Court for recording of their statements and the same be done within a period of 15 days from today.

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.”*

In pursuance of the abovesaid orders, a report has been submitted by the Chief Judicial Magistrate, Tarn Taran. The relevant portion of the said report is reproduced hereinbelow:-

“Statement of IO ASI Jagjit Singh no.718/TT is recorded to the effect that originally FIR no.182, dated 29.08.2017 was registered on the statement of Jaspal Kaur

w/o Jhirmal Singh against two accused persons namely Amarjit Kaur w/o Mangal Singh and Jaimal Singh s/o Mangal Singh. Cross case vide DDR No.41, dated 01.09.2017 u/s 324, 323, 34 IPC was registered at PS City, Tarn Taran in FIR no.182, dated 29.08.2017 under Sections 452, 341, 323, 506, 34 of IPC, PS City, Tarn Taran on the statement of Mangal Singh s/o Fauja Singh against two accused persons namely Jaspal Kaur w/o Jhirmal Singh and Dalbir Singh s/o Gurmukh Singh. Investigation is still in progress in FIR as well as cross-case. No accused in the main FIR as well as cross-case has been declared proclaimed offender. Only two persons were injured in FIR as well as cross-case/Jaspal Kaur w/o Jhirmal Singh is injured in main FIR whereas Jaimal Singh s/o Mangal Singh is injured in cross-case. Except above mentioned accused persons, no one else is arrayed as accused in main FIR as well as cross-case. None of the accused of main FIR as well as cross-case is involved in any other FIR/criminal complaint. Investigation is still in progress and Challan is not presented yet.

The parties suffered their statements voluntarily before Court as they have compromised their dispute with the intervention of respectable of locality which seems to be genuine.

Report submitted for kind perusal.

*Sd/-(RAJESH AHLUWALIA), PCS
Chief Judicial Magistrate,
Tarn Taran (UID No. PB-0281)”*

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 as well as cross case

are 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.

Alongwith the report, statements of Amarjit Kaur, Jaimal Singh, Investigating Officer-ASI Jagjit Singh and Jaspal Kaur have also been attached in support of the compromise.

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.182 dated 29.08.2017 under Sections 452, 341, 323, 506 and 34 of IPC, at Police Station City Tarn Taran, District Tarn Taran 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