

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39579-2022

Date of decision : 21.09.2022

Simarjit @ Simranjit Kaur and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rishabh Singla, Advocate
for the petitioners.

Mr.Iqbal S.Mann, DAG, Punjab.

Mr.Prabhdeep Singh Bindra, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.102 dated 03.07.2016 registered under Sections 420, 419, 465, 467, 468, 471, 120-B IPC at Police Station Sadar Jalandhar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

On 02.09.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.102 dated 03.07.2016, registered under Sections 420, 419, 465, 467, 468, 471 and 120-B IPC, at Police Station Sadar Jalandhar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 21.09.2022.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Prabhdeep Singh Bindra, appears and accepts notice on behalf of respondent No.2 and admits the factum of compromise.

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.*

September 02, 2022 **(VIKAS BAHL)**
JUDGE”

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

“I) Number of Persons arrayed as Accused in FIR: As per police report, total seven persons namely Gurdeep Singh, Jagtar Singh, Harpreet Singh, Simarjit Kaur, Pink Raj, Tarsem Lal & Usha Rani were arrayed as accused. During inquiry, out of them three accused persons namely Pink Raj, Tarsem Lal & Usha Rani were found innocent & they were kept in column no.2 of police report. However, proceedings qua one of the accused namely Gurdeep Singh abated. At present Jagtar Singh, Harpreet Singh and Simarjeet Kaur are facing trial.

II) Whether any accused is Proclaimed Offender:- As per judicial record, none of the accused has been declared proclaimed offender.

III) Whether the compromise is genuine, voluntary and without any coercion or undue influence:- Having recorded the statements of parties and examined them orally as well, this court is of the considered opinion that compromise is genuine and not result of coercion or undue influence.

IV) Whether the accused persons are involved in any other FIR or not:- As per the statement of ASI Sanjay Kumar, none of *the accused are involved in any other criminal case*.

V) Number of Victims and Complainant:- As per statement of ASI Sanjay Kumar there is only one victim/complainant namely Kulwinder Singh.

Report is submitted with regards”

A perusal of the above said report would show that there were seven accused persons out of which three persons were found innocent and the proceedings against one person i.e., Gurdeep Singh were abated and proceedings are pending against the three persons who are the petitioners before this Court and the petitioners and respondent no.2 have appeared and have 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 relied upon the judgment of the Hon’ble Supreme Court titled as ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as ***2012 (12) SCC 401***, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in CRM-M-16318-2018 titled as ***Dalip Mandal and another Vs. State of U.T., Chandigarh and others*** in which case, the coordinate Bench of this Court was pleased to allow the petition

qua the petitioners only although, the matter had not been compromised between all the parties.

Learned counsel for the petitioners has submitted that the petitioners were 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 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.102 dated 03.07.2016 registered under Sections 420, 419, 465, 467, 468, 471, 120-B IPC at Police Station Sadar Jalandhar, District Jalandhar and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

September 21, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No