

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

CRM-M-43749-2021

Date of Decision: 16.09.2022

Pritam Singh and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikas Saroha, Advocate, for
Mr. B.B.S. Randhawa, Advocate,
for the petitioner.

Mr. Iqbal Singh Mann, D.A.G., Punjab.

None for respondents no. 2 and 3.

VIKAS BAHL, J. (Oral)

1. This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No. 0112, dated 17.09.2021, registered under Sections 323/325/452/506/427/148/149 of the IPC at Police Station Ghuman, District Batala, and all other consequential proceedings arising therefrom on the basis of compromise.

2. On 14.10.2021, 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.0112 dated 17.09.2021, registered under Sections 323, 325, 452, 506, 427, 148 and 149 of IPC, at Police Station Ghuman, District Batala and subsequent proceedings arising therefrom on the basis of compromise dated

24.09.2021 (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. Mandeep Kaur, Advocate appears and accepts notice 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 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.”*

3. In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Batala, to the Deputy Registrar of this Court. The relevant part of the report is reproduced hereinbelow:-

“It is submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence. It is further submitted that as per version of 10 there are total five

accused persons in the present case (three accused persons are by name and two are unknown) and no accused person has been declared as proclaimed offender and in this FIR there is only one victim/complainant namely Balwinder Singh aged about 62 years son of Sampuran Singh resident of Village Kohali, PO Ladha Munda, Tehsil Batala District Gurdaspun. It is further submitted that no other FIR is pending against accused persons. This is for your kind perusal please.

Submitted please,

Yours faithfully

Mohinder Partap Singh Libra.
Judicial Magistrate 1st Class Batala
UID No. PB0683"

4. Along with the status report, the statement of Balwinder Singh, respondent no. 2-complainant, Satnam Singh, respondent no. 3 and of Pritam Singh, petitioner no. 1, Manjit Kuar, petitioner no. 2, Jashandeep Singh, petitioner no. 3 as well as the IO, ASI Sukhraj Singh, in support of the compromise has been attached.

5. Learned counsel for the petitioners has submitted that in the present case, there are five persons out of which, three have filed the present petition for quashing of the FIR and thus, the present case is a case of partial compromise and has relied upon a judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana vs. State of Gujarat and another** reported as **2012 (12) SCC 401**, to contend that even in a case of partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

6. A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise

is being entered into with there genuine, voluntarily and without any coercion or undue influence.

7. Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

8. This Court has heard the learned counsel for the parties and has perused the file.

9. After perusing the report submitted by the learned 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.

10. 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.

11. 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”

12. In view of what has been discussed hereinabove, this petition is allowed and FIR No. 0112, dated 17.09.2021, registered under Sections 323/325/452/506/427/148/149 of the IPC at Police Station Ghuman, Police District Batala, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners herein only.

September 16, 2022

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(VIKAS BAHL)

JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No