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

CRM-8726-2022 in/and
CRM-M-43789-2021 (O&M)
Date of decision : 17.03.2022

Sucha Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Charanjit Singh Brar, Advocate
for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

CRM-8726-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 26.09.2022 to an early date.

Learned counsel for the applicant-petitioner has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab,

appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Charanjit Singh Brar, Advocate appears on behalf of non-applicant/respondent Nos.2 and 3 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 26.09.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 26.09.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.95 dated 06.08.2018 registered under Sections 326, 324, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.10.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for quashing of FIR No.95 dated 06.08.2018 under Sections 326, 324, 323, 506, 148, 149 IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 09.10.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the FIR is a result of a dispute amongst family members, which has been

resolved by virtue of compromise, Annexure P-2.

By referring to Para 06 of the petition, he submits that none of the petitioners have been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Charanjit Singh Brar, Advocate accepts notice on behalf of the complainant/respondents No.2 and 3. He admits the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 14.12.2021 or any date within fortnight thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 10.02.2022.

Sd/-(SUVIR SEHGAL)

JUDGE

25.10.2021 ”

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

“In the light of the statements suffered by respondent No.2 Shingara Singh (Complainant), respondent No.2 Sat Pal Singh (injured) and petitioners aforementioned, I am of the considered view that compromise entered between the parties is genuine, voluntary and is free from any threat, pressure or undue influence. It is further most humbly submitted that as per statement of Investigating Officer ASI Kuldeep Singh, none of the petitioners has been declared as proclaimed offender nor any criminal case/cross-case is pending between the parties. There is one injured Sat Pal Singh. The report submitted accordingly.

Thanking You,

Yours faithfully

Sd/- (Madan Lal), PCS

Additional Chief Judicial Magistrate,

Gurdaspur (UID No.PB0200)”

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 and there are no other cases pending between the parties. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent Nos.2 and 3 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 petitioner 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.95 dated 06.08.2018 registered under Sections 326, 324, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) 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.

17.03.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No