

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39914-2022

Date of decision : 21.09.2022

Lakhwinder Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sultan Singh Gill, Advocate
for the petitioners.

Mr.Iqbal S.Mann, DAG, Punjab.

Mr.Bikramjit Singh, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.0008 dated 14.01.2022 registered under Sections 364, 34 IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Kathu Nangal, District Amritsar, Rural 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:-

“CRM-32427-2022

This is an application filed for grant of leave under Rule 3-A(I) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders

to file the present petition.

CRM-M-39914-2022

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.0008 dated 14.01.2022 registered under Sections 364, 34 IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Kathu Nangal, District Amritsar, Rural 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. Mr.Tarun Sharma, Advocate, appears on behalf of respondent nos.2 and 3 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.*

(VIKAS BAHL)
JUDGE

September 02, 2022

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

“5) The report is as under:

i) There are two persons arrayed as accused in the present FIR i.e

the present petitioners.

ii) As per the statement of the IO, none of the accused is a proclaimed offender.

iii) After perusing the statements of the parties, this Court is satisfied that the compromise is genuine, voluntary and out of free will of the parties.

iv) As per the statement of the IO, there are seven other FIRS against the petitioner/accused Lakhwinder Singh and one FIR against the petitioner/ accused Kamalpreet Singh. The details of the FIRS have been mentioned in his statement, which is attached alongwith.

v) As per statement of the IO, there is only one victim/complainant i.e. respondent No. 2 Prabhjit Kaur w/o Mandeep Singh.

Hence, the report is submitted”

A perusal of the above said report would show that the petitioners and respondents no.2 and 3 (complainant and victim(s)) 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 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 respondents no.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 petitioners

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.no.0008 dated 14.01.2022 registered under Sections 364, 34 IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station

Kathu Nangal, District Amritsar, Rural 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	Yes/No
Whether reportable	Yes/No