

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(259)

CRM-M-33907-2019

Date of decision: - 12.05.2022

Sukhvir Kaur and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gaurav Sharma, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Brajesh Kumar, Advocate, for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.29 dated 29.03.2019, registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Anandpur Sahib, District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.08.2019, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion.

On the asking of Court, Mr. Sidakmeet Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Brajesh Kumar, Advocate has appeared and filed power of attorney on behalf of respondent No.2, which is taken on record.

Copies of complete paper-book be supplied to learned State counsel and learned counsel for respondent No.2 during the course of the day.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 submits that compromise has been effected between the parties.

Now the parties are directed to appear before the trial Court where the case is pending on 20.09.2019 and to get recorded their statements regarding compromise and after recording their statements, the trial Court is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e.31.10.2019.

A copy of this order be sent to learned trial Court through FAX for compliance.

21.08.2019

**(INDERJIT SINGH)
JUDGE”**

In pursuance of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate Sri Anandpur Sahib, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“First informant Manjinder Singh has suffered the statement to the effect that the FIR in this case was registered at his instance. The matter has been compromised by him with the accused Kuldeep Singh and Sukhvir Kaur. He has entered into compromise with the accused out of his free will, without any pressure or coercion. He has no objection, if the FIR lodged by him against the accused is quashed. He has submitted self attested copy of his Aadhar Card Ex.C1.

Accused Sukhvir Kaur has also suffered the statement to the effect that she is the attorney of Kuldeep Singh. She has entered into compromise with first informant Marjinder Singh on her behalf as well well on behalf of co-accused Kuldeep Singh as he authorized her to enter into compromise. She has further submitted that they entered into compromise out of their free will, without any undue influence and pressure. She has submitted self-attested copy her Aadhar Card

Ex.C2.

Therefore, in view of the above circumstances, as have arisen from the statements of the parties, the following report submitted as desired please:

- 1. The compromise entered into the parties genuine, voluntary and without any coercion undue influence.*

The report alongwith copy of statements of parties submitted as desired please, for the kind consideration the Hon'ble High Court.

Yours Sincerely,

(Jagbir Singh Mehndiratta)

Sub Divisional Judicial Magistrate.

Sri Anandpur Sahib.”

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, voluntary and without any coercion or undue influence.

Learned counsel for respondent No.2 has 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 parties.

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

After perusing the report submitted by the learned 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**”, 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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.29 dated 29.03.2019, registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Anandpur Sahib, District Rupnagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 12, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No