

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M- 41074-2020
Decided on : 16.03.2022

Ashok Kumar and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Amandeep Singh Rai, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Avtar Singh, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 249 dated 06.08.2020 under Sections 324, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 326 of IPC added later on) registered at Police Station Haibowal, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before a co-ordinate Bench of this Court on 21.12.2020, the following order was passed:-

“Case taken up through video conferencing.

Notice of motion.

Mr. Hittan Nehra, Addl. A.G., Punjab, accepts notice

on behalf of respondent No.1 and Mr. Avtar Singh, Advocate, accepts notice for respondents No.2 and 3.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of FIR No.249 dated 06.08.2020 under Sections 324, 506, 148, 149 and 326 IPC registered at Police Station Haibowal, District Police Commissionerate, Ludhiana, on the strength of a written compromise dated 20.11.2020 (Annexure P-2) entered into between the parties.

The petitioners as also respondents No.2 and 3 through their counsel are directed to appear before the Illaqa Magistrate/ Trial Court on 05.01.2021 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/ Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/ Trial Court adjourned to 10.03.2021.

*December 21, 2020
R. S.*

*(Deepak Sibal)
Judge”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Ludhiana to the Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“From the statements suffered by the above stated parties, I am satisfied that the complainant Ravi Kumar, injured Aman and all the accused Ashok Kumar, Vinod Kumar, Ravi Kumar Tamar, Partap, Rimanshu Bastia @ Pinku, Himanshu Bastia @ Rinku have voluntarily entered into compromise with each other and it appears to be genuine one, without any pressure or coercion in any manner. As such, a valid compromise has been arrived at between the parties. The queries in the order dated 21.12.2020 passed by Hon'ble Punjab and Haryana High Court are answered as under:

- i) All the accused are party to the compromise.*
- ii) No accused is declared as proclaimed offender in this case.*
- iii) There is no other criminal case registered against any of the accused.*

Hence, my report to be placed before Hon'ble Mr. Justice Deepak Sibal, Judge, Punjab and Haryana High Court, Chandigarh, as directed.

Submitted please.”

A perusal of the said report would show that 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 none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent Nos. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 249 dated 06.08.2020 under Sections 324, 506, 148 and 149 of the Indian Penal Code,1860 (Section 326 of IPC added later on) registered at Police Station Haibowal, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 16th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No