

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

260

CRM-M-40385-2020
Decided on : 05.05.2022

Kuldeep Singh @ Deep Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gopal Singh Nahel, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None 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. 272 dated 26.10.2020 under Sections 458, 323 and 34 of the Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Lehra, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 04.12.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between the petitioners and respondents no.2 and

3, of FIR no.272, dated 26.10.2020, registered at Police Station Lehra, District Sangrur, for the alleged commission of offences punishable under Sections 458 and 323 of the IPC read with Section 34 thereof, with Section 325 of the IPC added later on, as also all other subsequent proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court on behalf of respondent no.1.

A copy of the petition be e-mailed to learned State counsel by learned counsel for the petitioners today itself.

Respondents no.2 and 3 be served by way of normal process.

Adjourned to 18.01.2021.

In the meanwhile, the petitioners, as also respondents no.2 and 3 would appear before the learned trial court/Ilaqa Magistrate upto 15.02.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be

required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also verify whether there are any criminal cases, of like nature or otherwise, pending against the petitioners.”

*Sd/-
(AMOL RATTAN SINGH)
JUDGE”*

04.12.2020

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

“There are two complainants namely Pargat Singh son of Pritam Singh and Santo Kaur wife Pritam Singh both residents of Falera, P.S.Lehra, District Sangrur.

It is submitted that after recording all these statements, the report as called from this Court is being submitted as under:

(1) There are four accused arrayed as accused in this FIR namely Kuldeep Singh @ Deep Singh, Jagdeep Singh @ Jaggu @ Baggu, sons of Gurjant Singh @ Janta Singh, Manjit Kaur @ Baljit Kaur wife of Gurjant Singh @ Janta Singh and Gurjant Singh @ Janta Singh son of Dalbara Singh all residents of Falera, P.S.Lehra, District Sangrur.

(2) The accused of this case has not been declared Proclaimed Offender.

(3) The compromise appears to be genuine and voluntary and without any coercion or undue influence.

Report is submitted as desired.”

A perusal of the above report would show that it has been stated that the statements of Complainants as well as the petitioners have been recorded in the case and they 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 complainants have 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 the abovesaid 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainants and the present FIR having been compromised deserves to be quashed. 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. 272 dated 26.10.2020 under Sections 458, 323 and 34 of the Indian Penal Code,1860 (Section 325 IPC added later on) registered at Police Station Lehra, District Sangrur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 5th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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