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

CRM-M-35171-2019

Date of decision : 31.10.2022

Dilbagh Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: None for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

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**VIKAS BAHL, J. (ORAL)**

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.45 dated 01.04.2014 registered under Sections 420, 120-B, 201 of the Indian Penal Code, 1860 at Police Station Urban Estate, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

*“The petitioners have filed present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.45 dated 01.04.2014 registered under Sections 420, 120-B and 201 of the Indian Penal Code, 1860 at Police Station Urban Estate, District Patiala and all subsequent proceedings arising therefrom on the basis of*

*compromise.*

*Notice of motion was issued vide order dated 27.08.2019.*

*Mr. Arun Kaundal, DAG, Punjab has appeared on behalf of respondent No.1.*

*Mr. Hitesh Verma, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 which is taken on record and has admitted the factum of compromise.*

*Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 26.02.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 23.03.2020 containing the following information:-*

- 1. Number of persons arrayed as accused in FIR.*
- 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 case or not.*
- 5. Current stage of the case.*

*The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

*Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.*

*17.02.2020*

*Sd/- (ARUN KUMAR TYAGI)*

*JUDGE ”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Patiala. The relevant portion

of the said report is reproduced hereinbelow:-

*“1) As per record, four persons namely Dilbagh Singh, Renu, Rakesh Kumar and Ramsharan have been arrayed as accused in FIR. Further as per record, accused Rakesh Kumar has already expired on 3.4.2019 and attested copy of his death certificate has already been produced on record.*

*(2) As per statements of accused/petitioners as well as of Investigating Officer ASI Iqbal Singh, none of the accused is Proclaimed Offender.*

*(3) The parties have arrived at a compromise voluntarily, without any coercion or undue influence and parties have rendered the statements before the court voluntarily, without any coercion or undue influence, as per which, the compromise between the parties is genuine, voluntarily without any coercion or undue influence.*

*(4) As per statements of accused as well as of Investigating Officer ASI Iqbal Singh, accused persons are not involved in any other case.*

*(5) As per record, charge against the accused persons has already been framed in this case vide order dated 3.5.2016 and at present, case is fixed for awaiting further orders from the Hon'ble Punjab & Haryana High Court.*

*(6) As per statement of Investigating Officer, only one victim/ complainant namely Daljit Singh is involved in the present case FIR.”*

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.

A perusal of above report would also show that initially, there were four accused persons, out of which, accused Rakesh Kumar had died on 03.04.2019.

The present petition has been filed by two accused persons i.e. the present petitioners and thus, the present case is a case of partial compromise. The Hon'ble Supreme Court in case titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** had held that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

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.45 dated 01.04.2014 registered under Sections 420, 120-B, 201 of the Indian Penal Code, 1860 at Police Station Urban Estate, District Patiala 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.

**31.10.2022***Pawan***(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**