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

CRM-15358-2022 in/and  
CRM-M-41948-2020 (O&M)  
Date of decision : 04.05.2022

Afzal Khan @ Pappu and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Akhil Dadwal, Advocate for  
Mr. Naresh Kumar, Advocate for respondent No.2.

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

**CRM-15358-2022**

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 30.08.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Akhil Dadwal, Advocate for Mr. Naresh Kumar, Advocate appears on

behalf of non-applicant/respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 30.08.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 30.08.2022 to today and the same is taken on Board today itself for final disposal.

**Main case**

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.335 dated 28.10.2020 registered under Sections 336, 506, 34 of the Indian Penal Code, 1860 and Sections 25, 27 and 30 of the Arms Act, 1959 at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) all the subsequent proceedings arising therefrom on the basis of compromise.

On 08.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Heard through video conferencing.*

*This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.335 dated 28.10.2020 under Sections 336, 506, 34 of the Indian Penal Code, 1860 and Sections 25, 27 and 30 of the Arms Act, 1959 registered at Police Station Sadar Dhuri, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise dated 04.11.2020 (Annexure P-2).*

*Learned counsel for the petitioners has contended that the dispute arose due to some damage to the un-metalled partition between the fields of the petitioners and respondent*

*No.2, the complainant. The learned counsel would further contend that no injury has been received by either party in the incident and that due to some misunderstanding the present FIR was lodged. The learned counsel has further contended that now the matter has been settled and a written compromise has been entered into between the parties on 04.11.2020, a copy whereof has been annexed as Annexure P-2 with the present petition. Learned counsel for the petitioners has also relied upon a judgement of Hon'ble Supreme Court rendered in "**Gian Singh V/s State of Punjab and another**" 2012 (4) RCR (Criminal) 543 and also a Larger Bench's decision of this Court in "**Kulwinder Singh and others V/s State of Punjab and another**" 2007 (3) RCR (Criminal) 1052 to contend that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.*

*Notice of motion.*

*On the asking of the Court, Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab has joined the session through video conferencing (VC) and accepts notice on behalf of respondent No.1-State. Mr. Naresh Kumar, Advocate, who has also joined the Court proceedings through VC, accepts notice on behalf of respondent No.2. Copy of the petition has already been supplied to both the counsel.*

*Mr. Naresh Kumar, learned counsel for the complainant, has submitted that the FIR was as a result of some misunderstanding and the matter has since been compromised as per compromise Annexure P-2 and that the complainant has no objection if the FIR is quashed.*

*Adjourned to 24.03.2021.*

*Meanwhile the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 10.02.2021, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:*

- 1) Whether the settlement/compromise dated 04.11.2020 is genuine and has been freely entered into by the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.*

*Sd/- (ALKA SARIN)*

*JUDGE*

*08.01.2021 ”*

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

*“The detailed report as desired is submitted as under:*

**(i) Whether the settlement/compromise dated 04.11.2020 is genuine and has been freely entered into by the parties without any undue influence, coercion or pressure of any kind.**

*So as to give opinion with regard to genuineness or otherwise of the compromise, the undersigned had recorded the statement of **respondent Jawid Khan, who is the***

***complainant in the case titled as "Afzal Khan @ Pappu and another Versus State of Punjab and another".***

*In his statement, he had stated that on his initiation. FIR No. 335 dated 28.10.2020, under Sections 336/506/34 of IPC & 25, 27, 30 of Arms Act, was registered at police station Sadar Dhuri, District Sangrur against **Afzal Khan @ Pappu and Sameer Khan.***

*It was further submitted by him that now with the intervention of respectable and relatives persons, he had voluntarily compromised the matter with said accused persons/petitioners, without there being any pressure or coercion any misrepresentation or undue influence and without any greed. He further stated that I had seen the original compromise deed dated 04.11.2020 in the court and photocopy of the same produced in the court i.e. Ex. CX and identified his signature over the same. He further stated that the compromise is genuine one, voluntarily and without any coercion or any undue influence and the same is valid. He further stated that he does not want to pursue with the present case against the said accused persons/petitioners.*

*He further stated that the accused have filed a quashing petition on the basis of compromise before Hon'ble Punjab and Haryana High Court Chandigarh bearing No. CRM-M-41948 of 2020 and he has no objection if the present FIR and all the consequential proceedings may kindly be quashed against the accused persons.*

*Xxx xxx*

*They further prayed that the present FIR and all the consequential proceedings may kindly be quashed against them.*

**(ii) Whether any other criminal cases are pending against the parties.**

*As per the statement of IO of the present case, this court finds that none of the accused have been involved/convicted in any other case.*

**(iii) Whether any proclamation proceedings are pending against either of the parties.**

*As per the statement of IO, this court finds that none of the petitioners/accused have been declared as proclaimed offender in the present case.*

***From the statements of the parties as well as their oral examination, undersigned is of the opinion that matter has been amicably settled between accused/petitioners Afzal Khan @ Pappu and Sameer Khan. The said compromise is genuine, voluntary and is without any coercion or undue influence.***

*Hence report submitted accordingly, please.*

*Thanking you, Sir.*

*Yours faithfully,*

*Sd/- (Amandeep Singh Ghuman), PCS,*

*Judicial Magistrate Ist Class,*

*Dhuri*

*(UID No.PB-0499)*

*Encl:-1.Original statement of complainant Jawid Khan*

*2. Original joint statement of petitioners/accused namely Afzal Khan @ Pappu and Sameer Khan*

*3. Original statement of IO ASI Balvir Singh No. 571/Sgr.*

*4. Original Compromise deed Ex.CX”*

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.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent No.2 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 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.335 dated 28.10.2020 registered under Sections 336, 506, 34 of the Indian Penal Code, 1860 and Sections 25, 27 and 30 of the Arms Act, 1959 at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) 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.

**04.05.2022**

*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**