

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

CRM-M-46521-2021

Date of Decision: 22.09.2022

JAGMOHAN SINGH AND ANOTHER

.....Petitioners

Vs.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. V.K. Sandhir, Advocate,
for the petitioners.

Mr. Kamalpreet Singh Bawa, A.A.G., Punjab.

Mr. Naresh Chander, Advocate
for respondent No.2.

AMAN CHAUDHARY, J. (Oral)

Present petition has been filed for quashing of FIR No.0006, dated 15.01.2017, under Sections 406 and 420 of the IPC, registered at Police Station Mehtiana, District Hoshiarpur, and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 18.10.2021 (Annexure P-2).

On 08.11.2021, this Court had passed the following order:-

“By this petition, the petitioners seek quashing of FIR No.0006, dated 15.01.2017, registered at Police Station Mehtiana, District Hoshiarpur, alleging therein the commission of offences punishable under the provisions of Sections 406, 420 of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise

dated 18.10.2021 (Annexure P-2), arrived at between the petitioners and respondent no.2.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice on behalf of the respondent State.

Mr. Naresh Chander, Advocate, who is present in the Court, accepts notice on behalf of respondent No.2-complainant and has filed a power of attorney.

A copy of the petition be supplied to them today itself by learned counsel for the petitioners.

Adjourned to 18.01.2022.

In the meanwhile, the petitioners, as also respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 14.12.2021 to record their statements. That Court would satisfy itself 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 report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the matter, 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.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases registered against the petitioners, of like nature or otherwise.”

Pursuant to the aforesaid order, report dated 16.12.2021 has been received from the Judicial Magistrate First Class, Hoshiarpur. The relevant paragraph of the said report is as under:-

“As per the statements suffered by the parties ie, the complainant and the attorney holder of accused/petitioners, they have compromised the matter, voluntarily, without any coercion or undue influence and the compromise was effected between the parties as per their free will and consent. Therefore, in light of the statements suffered by the parties and as per the terms of the compromise effected between them. it appears that the parties have entered into a genuine compromise as per their free will and without any undue influence. As per status report called from IO PS Mehtiana, the accused/petitioners in FIR no.06 dated 15.07.2017 registered u/s 406,420 of IPC was registered against accused Gurpreet Singh s/o Sucha Singh, Jagmohan Singh s/o Harbhajan Singh & Charanjit Kaur w/o Jagmohan Singh. Accused Jagmohan Singh & Charanjit Kaur were declared as proclaimed person/absconders in the present FIR. He further stated that apart from this case another FIR no.04 dated 12.01.2017 w/s 406,420.120-B IPC have been registered against accused Jagmohan Singh and he has been declared proclaimed person in the said FIR. Status report is Ex.A1.

Hence, proper compliance has been made of the order of Hon'ble High Court Punjab & Haryana as stated above. The requisite report is presented in this regard. Copy of the order be retained in the file for record purpose in the concerned file. Hence, the report is presented in the regard for kind perusal of your goodself for onward transmission to the Hon'ble High Court.”

Submitted please.

Yours faithfully,

(Simrandeep Sing Sohi). PCS, Judicial
Magistrate First Class, Hoshairpur/UID No/PB-0550”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are two accused persons and the compromise effected between

the parties is genuine and has been arrived at between them without any pressure or coercion.

I have heard learned counsel for the parties and have also gone through the case 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 complainants. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.0006, dated 15.01.2017, under Sections 406 and 420 of the IPC, registered at Police Station Mehtiana, District Hoshiarpur and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 22, 2022
nitin

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No