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

CRM-M-36165-2019

Date of decision : 14.09.2022

Raj Kumar and others

...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.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.128 dated 13.08.2019 registered under Sections 452, 367, 342, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Malout, District Sri Muktsar Sahib and all the subsequent proceedings arising therefrom on the basis of compromise.

On 30.08.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed seeking quashing of FIR No. 128 dated 13.08.2019, registered for the alleged commission of offences punishable under Sections 452/367/342/323/506/148/149 IPC, at Police Station Sadar

Malout, District Sri Muktsar Sahib, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. A.P.S. Gill, D.A.G., Punjab accepts notice on behalf of respondent no. 1.

Mr. Amandeep Chhabra, Advocate, appears and accepts notice on behalf of respondent no. 2 and has filed his power of attorney in Court, which is taken on record.

Requisite number of copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 21.11.2019.

In the meanwhile, the petitioners as also respondent no. 2, would appear before the learned Area Magistrate up-to 26.09.2019, to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached 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.

The Area Magistrate 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 determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.

August 30, 2019

Sd/- (AMOL RATTAN SINGH)

JUDGE ”

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

“I have also gone through the relevant record. After evaluating the record and from the statements of the parties, report is submitted as under;

(i) That compromise effected between the parties is genuine, voluntary and without any coercion or undue influence;

(ii) That as per the statement of IO there is no any person involved in the occurrence who is not a party to the present petition and whose consent for the compromise would be required.;

(iii) That as per the statement of IO, no any other criminal cases of like nature or otherwise, are pending against the accused/petitioners.

Hence, the report is submitted please.

Yours Sincerely.

Sd/- (Shivangi Sangar),

Judicial Magistrate, Ist Class Malout

UID No. PB0392”

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.

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**”, 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.128 dated 13.08.2019 registered under Sections 452, 367, 342, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Malout, District Sri Muktsar Sahib 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.

14.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No