

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

CRM-M-43120-2022

Date of decision : 20.10.2022

Sonia Mahant and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.201 dated 23.10.2021 registered under Sections 341, 342, 506, 323, 148, 149 IPC of the Indian Penal Code, 1860 at Police Station City Malout, District Sri Muktsar Sahib and all the subsequent proceedings arising therefrom on the basis of compromise.

On 19.09.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.201 dated 23.10.2021, registered under Sections 341, 342, 506, 323, 148 and 149 IPC, at Police Station City Malout, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 12.10.2022.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Kuldeep

Singh Saini, appears and accepts notice on behalf of respondent No.2 and admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 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 FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

(VIKAS BAHL)
JUDGE”

September 19, 2022

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

“From the aforesaid statements of the concerned parties, it appears that :

(1) Four persons namely (1) Sonia Mahant daughter of Ram Singh (2) Amarjeet Singh son of Des Singh, both residents of Malout City, now resident of village Bhullerian, Tehsil Malout District Sri Muktsar Sahib (3) Kajal Mahant Chela Santosh Mahant resident of village Sivian Tehsil and District Sri Muktsar Sahib (4) Jassi Mahant son of Sohan Singh resident of village Chak Bakhtu, District Bathinda i.e. (Petitioners no.1 to 4 in CRM-M-43120 of 2022) besides unknown persons, were arrayed as accused.

(2) None of the named accused is declared proclaimed offender.

(3) The parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and

consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise seems to be voluntary, genuine and true.

(4) Named accused are not involved in any other case.

(5) There is only one victim/complainant namely Bholi Mahant Chela Banso Mahant resident of Sri Guru Ravi Dass Nagar, Street No.2, Malout District Sri Muktsar Sahib in the present 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 there were some other unknown persons.

The Hon'ble Supreme Court in a case titled as ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as ***2012 (12) SCC 401***, has held that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

The Co-ordinate Bench of this Court in the judgment dated 04.07.2019 passed in CRM-M-16318-2015 titled as ***Dalip Mandal and another Vs. State of U.T., Chandigarh and others*** was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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.201 dated 23.10.2021 registered under Sections 341,

342, 506, 323, 148, 149 IPC of the Indian Penal Code, 1860 at Police Station City 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.

20.10.2022

Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No