

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(246)

CRM-M-47795-2021

Date of decision: - 07.02.2022

Charanjit Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Virender Kumar, Advocate,
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Angrej Kumar, Advocate
for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.118 dated 25.06.2021 registered under Sections 324, 34 of the Indian Penal Code, 1860 at Police Station Talwandi Sabo, District Bathinda (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 09.10.2021 (Annexure P-2).

On 06.01.2022, this Court was pleased to pass the following order:-

“CRM-44440-2021

Application is allowed, as prayed for.

Annexure P-4 is taken on record, subject to all just exceptions.

CRM-44441-2021

This is an application filed under Section 482 of Cr.P.C. with a prayer for extension of time for compliance of order dated 15.11.2021 passed by this Court.

Learned counsel for the applicant/petitioners has submitted that matter has been compromised. He has further submitted that vide order dated 15.11.2021, the parties had been directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days. However, since petitioner No.1 was suffering from dengue fever and was under treatment from 16.11.2021 to 28.11.2021, thus, he could not appear before the Illaqa Magistrate for recording statement and thus, petitioner prays for one more opportunity for recording the statement.

In view of the above, the present application is allowed and the parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of seven days from today.

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. ”*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Talwandi Sabo, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“It is submitted that as per statement of Investigating Officer

and as per record, there are only three accused in the present FIR, who are the petitioners in the present petition. No other person is involved in the present FIR except above said accused petitioners nor any accused has been declared proclaimed offender. Hardeep Singh is only complainant/victim in the present FIR and his consent was required for compromise. Investigating Officer further stated that as per record of police station, accused Harpal Singh alias Pal Singh son of Chand Singh was also involved in an FIR No.138 dated 09.10.2001. under Section 323, 324, 148, 149 IPC, PS. Talwandi Sabo, however, both the other accused are not involved in any other FIR, besides the present FIR. Further it is pertinent to mention here that as per statement of Investigating Officer Section 326 of Indian Penal Code has been added in the present FIR lateron. vide DDR No.21 dated 07.08.2021.

4. *It is further humbly submitted that as per the statements of the parties, the compromise effected between the parties is voluntary and without any pressure.*

5. *Report is submitted accordingly.*

Yours faithfully.

Yours faithfully,

*Akbar Khan, PCS
Judicial Magistrate First Class.
Talwandi Sabo.
UID Code No.PB0426."*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there voluntary and without any pressure. It has been mentioned in the said report that there is one more case registered against accused Harpal Singh alias Pal Singh son of Chand Singh (petitioner No.2). However, the same would not come in the

way of quashing of present petition as the compromise between the parties has been found to be voluntary and without any pressure.

Learned counsel for the petitioners has submitted that there is no other FIR against petitioners No.1 and 3 and none of the petitioners have been declared a proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is 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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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**”, 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 feel 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 what has been discussed hereinabove, this petition is allowed and FIR No.118 dated 25.06.2021 registered under Sections 324, 34 of the Indian Penal Code, 1860 at Police Station Talwandi Sabo, District Bathinda (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

February 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No