

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-47643-2021
Decided on : 25.04.2022

Navjot Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Balbir Singh Jaswal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Ramesh Sharma, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 238 dated 24.08.2015 under Sections 323, 324, 452, 427, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Nakodar, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 14.03.2022, this Court was pleased to pass the following order:-

“CRM-8831-2022

This is an application filed under Section 482 of Cr.P.C. for seeking extension of time to record the statements of both the parties regarding affecting compromise.

Learned counsel for the petitioners has submitted that one last opportunity be granted to

the parties to record their statements within a period of three weeks from today. He also prays for preponement of the date of hearing in the main case from 19.09.2022 to today.

For the reasons stated in the application and in view of the abovesaid facts, the present application is allowed and the date of hearing in the main case is postponed from 19.09.2022 to today and the same is taken on Board today itself.

Main case

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

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.*

Adjourned to 25.04.2022.

The statements of the parties be recorded subject to cost of Rs.5,000/- to be deposited by the petitioners with the High Court Lawyers' Welfare

Fund. The said amount would be deposited prior to giving the statements of the parties and the trial Court would only permit them to record their statements after the petitioners show the receipt of the same.

In case, the cost of Rs.5,000/- is not deposited by the petitioners with the High Court Lawyers' Welfare Fund or does not show the receipt of the same before the trial Court, then the present petition would be deemed to have been dismissed. ”

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Nakodar to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In pursuance of the directions issued by the Hon'ble Punjab & Haryana High Court, vide order dated 14.03.2022 passed by Hon'ble High Court of Punjab & Haryana, Chandigarh, in CRM-M-47643 of 2021 titled as Navjot Singh and others Vs. State of Punjab and others, parties have appeared, the petitioners/accused placed on record receipt dated 21.03.2022 for Rs.5000/- deposited with High Court Lawyers Welfare Fund and statements of the parties recorded regarding voluntarily compromise effected between them. Report of ahlmad was called. As per report of ahlmad and statement of Investigation Officer, no accused were declared as P.O. and challan has already been presented in the court.

Parties stated that they have no objection in case

the FIR is quashed.

- 1. As per the statement of investigating office SI Daljit Singh No.787/JR seven persons are arrayed as accused in the FIR.*
- 2. No person has been declared proclaimed person in the above said FIR*
- 3. Both the parties have entered into compromise voluntarily and out of their free will.*
- 4. As per statement of Investigating officer there is no other FIR reported or pending against the applicants/accused persons in the Police Station Sadar Nakodar.*
- 5. As per statement of investigating officer, there is only one complainant namely Arshdeep Singh and one victim Jagdip Kaur in this FIR. Parties made prayer that FIR be quashed.*

Report submitted please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners have been recorded in the case and they 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 none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 petitioners and the complainants. 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 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”, 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. 238 dated 24.08.2015 under Sections 323, 324, 452, 427, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Nakodar, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise are ordered to be quashed, qua the petitioners.

April 25th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No