

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-52555-2021
Decided on : 16.05.2022

Jagdev Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. I. S. Dhaliwal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Kuldeep Singh Saini, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 19 dated 19.02.2017 under Sections 324 and 34 of the Indian Penal Code, 1860 registered at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 21.04.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that in pursuance of the order dated 17.12.2021, the parties could not appear before the trial Court and seeks one more opportunity for the parties to appear before the trial Court and record their statements.

The parties are again 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.*

Adjourned to 16.05.2022. ”

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class, Malout, District Sri Muktsar Sahib to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In order to prove their identity, both the parties have placed on file their identity proof. Both parties are identified by their respective counsels. This Court is satisfied that aforesaid statements made by the parties are voluntarily and their compromise has been arrived at genuine, voluntarily, threat, without any coercion

or undue influence from either side. It is further mentioned that ASI Malkeet Singh (Investigating Officer of the present case) suffered a statement that as per record only one complainant/victim Sukhmander Singh in the above said FIR And only one accused Jagdev Singh arrayed as accused in the above said FIR. No accused person has been declared proclaimed offender in the present case . No other criminal case is pending against the above said accused except the above said FIR.

Report is hereby forwarded to your good self along with copies of statements of complainant, accused as well as their identification proof, as ordered by your good self.

Submitted please,”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioner 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is 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 No. 2 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 19 dated 19.02.2017 under Sections 324 and 34 of the Indian Penal Code,1860 registered at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 16th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No