

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43647-2020
Decided on : 29.07.2022

Ajit Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Raman Goklaney, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rahul Arora, Advocate
for respondents No. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 115 dated 13.08.2020 under Sections 452, 324, 323 and 34 of the Indian Penal Code, 1860 (Sections 325 and 326 IPC added later on) registered at Police Station Makhu, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.12.2020, a coordinate Bench of this Court was pleased to pass the following order:-

“The case is taken up through video conferencing on account of COVID-19.

By filing this petition, quashing of FIR No. 115 dated 13.08.2020 under Sections 452, 324, 323 and 34 IPC (Sections 325 and 326 IPC added later on) registered at Police Station Makhu, District Ferozepur and all other consequent proceedings arising therefrom has been sought on

the basis of compromise.

Notice of motion.

Mr. Harpreet S. Multani, AAG, Punjab and Mr. Rahul Arora, Advocate accept notice on behalf of respondent No.1-State and respondents No. 2 to 4 respectively.

Parties may appear before concerned Illaqa Magistrate/Duty Magistrate/Chief Judicial Magistrate on 08.01.2021 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 09.03.2021.

*Sd/-
23.12.2020 (HARINDER SINGH SIDHU)
JUDGE”*

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

“Thereafter complainant Sukhdev Singh son of Balwinder singh has suffered a statement

that:-

"Stated that I have compromised the matter with all the accused. The compromise is voluntarily with free consent. Original compromise is hereby produced.

- 1. The compromise is genuine and voluntarily and out of free will of the parties.*
- 2. There are three accused arraigned in the FIR and all the accused have appeared before the court and no accused is PO in this FIR.*
- 3. No other proceeding against accused is pending in any court.*

I have no objection if the present FIR is quashed against all the accused".

Thereafter victim/witnesses Palwinder Kaur and Basant Singh have suffered a joint statement that:

"Stated that we have compromised the matter with all the accused.

- 1. The compromise is voluntarily with free consent. The compromise is genuine and voluntarily and out of free will of the parties.*
- 2. There are three accused arraigned in the FIR and all the accused have appeared before the court and no accused is PO in this FIR.*
- 3. No other proceeding against accused is pending in any court.*

We have no objection if the present FIR is quashed against all the accused".

Thereafter accused 1. Ajit Singh,

2. Satpal Singh,

3. Amritpal Singh;

have suffered a joint statement that:-

"Stated that We have compromised the matter with opposite party. The compromise is voluntarily with free consent. Original compromise is hereby produced.

1. The compromise is genuine and voluntarily and out of free will of the parties.

2. There are three accused arraigned in the FIR and all the accused have appeared before the court and no accused is PO in this FIR.

4. 3. The accused have not filed any bail application in any court till date nor accused are in custody.

5. No other proceeding against accused is pending in any court".

I am satisfied that the parties have suffered statement with free consent and without any coercion undue influence or fear.

The original statements of persons as mentioned above and original compromise are attached along with.

Report is submitted accordingly. "

A perusal of the above report would show that it has been stated that the statements of the 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 further 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 respondents No. 2 to 4 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 two parties.

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 petitioners 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. 115 dated 13.08.2020 under Sections 452, 324, 323 and 34 of the Indian Penal Code, 1860 (Sections 325 and 326 IPC added later on) registered at Police Station Makhu, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

29.07.2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No