

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47826-2021

Date of decision:19.09.2022

Gurnam Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.48 dated 16.05.2021 under Sections 353, 186, 506, 34, 356 and 295 of IPC, registered at Police Station, Makhu, District Ferozepur (Annexure P-1) along with all the consequential proceedings arising therefrom, on the basis of compromise dated 28.06.2021 (Annexure P-2).

On 15.11.2021, this Court was pleased to pass the following order:-

“This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.48 dated 16.05.2021 under Sections 353, 186, 506, 34, 356 and 295 of IPC, registered at Police Station, Makhu, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise dated 28.06.2021 (Annexure P-2).

Notice of motion for 13.01.2022.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

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.*

November 15, 2021

*(VIKAS BAHL)
JUDGE”*

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

“....Para wise report as sought is as under: -

- (1) There are total four accused arrayed in the present FIR named above.*
- (2) None of the above said accused persons is proclaimed offender in this case.*
- (3) This Court is of the considered opinion from above said statements of parties that the compromise between complainant Jasmit Singh on one side and accused (1) Gurnam Singh, (2) Balwinder Singh, (3) Satnam Singh and (4) Bakshish Singh on the other side has been arrived at and same is voluntarily without any coercion or undue influence and same is genuine one.*
- (4) xxx xxxx*
- (5) There is only one victim/complainant in present FIR namely Jasmit Singh son of Sukhdev Singh, mentioned above.*

As such the compliance report along with statements of the parties is hereby submitted please.

Thanking You,

Yours Faithfully,

*(Parvinder Kaur, PCS),
Sub Divisional Judicial Magistrate,
Zira.”*

A perusal of the above said report would show that the petitioners and complainant/respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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 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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.48 dated 16.05.2021 under Sections 353, 186, 506, 34, 356 and 295 of IPC, registered at Police Station, Makhu, District Ferozepur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

19.09.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

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