

CRM-8739-2022 in/and
CRM-M-44048-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122)

CRM-8739-2022 in/and
CRM-M-44048-2020
Date of decision: - 17.03.2022

Iqbal Singh and others

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. K.B. Raheja, Advocate,
for the applicants-petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Harsh Raheja, Advocate,
for respondents No.6.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

CRM-8739-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 26.09.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that in pursuance of direction issued by this Court vide order dated 12.11.2021, the statements of the parties have been recorded and thus, the

present case be preponed to an early date.

Learned State counsel as well as respondent No.6 has submitted that they have no objection in case the present application is allowed and the date of hearing is preponed.

In view of the above, the application is allowed and the date of hearing in the main case is preponed from 26.09.2022 to today.

CRM-M-44048-2020

This is the first petition under Section 482 of Cr.P.C. for quashing of FIR No.09 dated 21.03.2020 under Sections 420, 465, 467, 468, 471 and 120- B of IPC, registered at Police Station, Arif Ke, District Ferozepur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 12.11.2021, this Court was pleased to pass the following order:-

“This is the first petition under Section 482 of Cr.P.C. for quashing of FIR No.09 dated 21.03.2020 under Sections 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station, Arif Ke, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 14.12.2020 (Annexure P-3).

Adjourned 20.01.2022.

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."*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Ferozepur to the Registrar of this Court. The relevant part of the report is reproduced hereinbelow:-

"From the aforesaid statements, the undersigned is satisfied that the statements of the parties are bonafide and that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. (1) It is submitted that as per the statement of the Investigating Officer there are total four persons arrayed as accused in the present FIR namely (i) Iqbal Singh, (ii) Sukhwinder Singh, (iii) Kewal Singh, (iv) Kuldeep Singh sons of Resham Singh, all residents of village Kamalwala, Tehsil and District Ferozepur. (2) It is further submitted that none of the accused has been declared proclaimed offender in the present case. (3). It is further submitted that compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. (4) It is further submitted that as per the statement of ASI Kulbir Singh i.e. Investigating Officer, there are numerous cases registered against accused namely Iqbal Singh son of Resham Singh (eleven cases except the present case), accused namely Kuldeep Singh @Billa son of Resham Singh (five cases except the present case), accused namely Kewal Singh son of Resham Singh (three cases except the present case) and accused namely Sukhwinder Singh son of Resham Singh (three cases except the present case). (5) It is further submitted there is only one complaint/victim namely Gurlal Singh son of Satnam Singh, resident of village Kamal Wala @ Muthian Wala, Arif Ke Tehsil and District Ferozepur in the present case.

Hence, the report is hereby submitted for your honour's kind

perusal.

Thanking you,

Yours faithfully,

*Encls: Original Copies of the
statements of the parties*

*Judicial Magistrate 1st Class
Ferozepur"*

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. Perusal of the said report would also show that although the petitioners are involved in other cases, but the same would not come in the way of quashing of present petition as the compromise between the parties has been found to be genuine, voluntarily and without any coercion or undue influence.

Learned counsel for respondent No.6 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.09 dated 21.03.2020 under Sections 420, 465, 467,

468, 471 and 120- B of IPC, registered at Police Station, Arif Ke, District Ferozepur and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

March 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No