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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48261-2021

Date of decision : 28.09.2022

Gurcharan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. P.S. Chahal, Advocate for
Mr. Munish Gulati, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.105 dated 02.07.2017 registered under Sections 336/506 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station Hathoor, District Ludhiana (Rural) (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise-cum-affidavit dated 08.11.2021 (Annexure P-2).

On 17.11.2021, this Court had passed the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.105 dated 02.07.2017 registered under Sections 336/506 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station

Hathoor, District Ludhiana (Rural) (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise-cum-affidavit dated 08.11.2021 (Annexure P-2).

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 24.01.2022.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Kamal Narula, Advocate appears on behalf of respondent No.2.

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

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 abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Jagraon. The relevant portion of the said report is reproduced hereinbelow:-

“Accordingly, Surjit Singh-complainant and Harbhajan Kaur-victim have got recorded their statements as regards amicable settlement of present matter pertaining to FIR no.105 dated 02.07.2017 of P.S. Hathur vide

compromise Ex.C-1 without any coercion or pressure with accused Gurcharan Singh, who has also recorded his statement to this effect.

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Accordingly, this Court is satisfied that matter has been compromised voluntarily between the parties and that there is no pressure or coercion on any party to effect the compromise. Accordingly, report with regard to compromise effected between the parties be forwarded to Hon'ble High Court. Now, case is adjourned for 18.02.2022 the date already fixed, for awaiting further order of Hon'ble High Court.

Pronounced.

Sd/- Harjinder Singh

Dt.20.12.2021

Judicial Magistrate, Ist Class,

Jagraon(UID no.PB.0421)”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both 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. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent No.2 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, this Court finds that the matter has been amicably settled between the petitioner 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**”, reported as **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**”, reported as **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.105 dated 02.07.2017 registered under Sections 336/506 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station Hathoor, District Ludhiana (Rural) (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise-cum-affidavit dated 08.11.2021 (Annexure P-2), are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

28.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No