

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48696-2021

Date of decision:29.09.2022

Gurlal Sharma

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Manjeet Kaur, Advocate for
Mr. H.S. Maan, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Ms. Gurpreet Kaur, Advocate for
Mr. Harnoor Singh Sidhu, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of Complaint Case No.6 dated 27.02.2013 registered under Sections 500, 506, 504 of the Indian Penal Code, 1860 and Sections 3(1) (10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Mansa (Annexure P-1); summoning order dated 16.10.2015 (Annexure P-2) along with all the subsequent proceedings arising therefrom on the basis of compromise dated 10.11.2021(Annexure P-3).

On 22.11.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of Complaint Case No.6 dated 27.02.2013 (Annexure P-1) registered under Sections 500, 506, 504 of the Indian Penal Code, 1860 and Sections 3(1)(10) of the Scheduled

Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Mansa and summoning order dated 16.10.2015 (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise dated 10.11.2021(Annexure P-3).

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

Notice of motion for 20.01.2022.

On asking of the Court, Mr. N.K. Banka, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Harnoor Singh Sidhu, 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 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.*

*(VIKAS BAHL)
JUDGE”*

22.11.2021

In pursuance to the said order, a report has been submitted by Additional District & Sessions Judge, Mansa. The relevant portion of the said report is reproduced hereinbelow:-

- “(1) Although initially two persons were arrayed as accused in the complaint yet at present only accused Gurlal Sharma (for the reasons mentioned in Para No.3) is facing trial.*
- (2) As per statement of accused Gurlal Sharma dated 03.12.2021 made in the court, he has not been declared as a proclaimed offender in this case or in any other case.*
- (3) From the statements of complainant Balwinder Singh and accused Gurlal Sharma, it appears that the compromise effected between them vide compromise deed Mark A is genuine, voluntary and without any coercion or undue influence.*

- (4) *As per statement of accused Gurlal Sharma dated 03.12.2021 made in the court, apart from the present complaint having been filed against him, he is not involved in any other FIR.*
- (5) *Complainant Balwinder Singh suffered statement in the court on 03.12.2021 to the effect that apart from him, there is no other victim/complainant involved in his complaint titled as 'Balwinder Singh Vs. Gurlal Sharma'.*

The requisite report is accordingly being submitted please.

Thanking you,

*Yours faithfully,
(Manjot Kaur),
Addl. Sessions Judge,"
Mansa*

A perusal of the above said report would show that the petitioner 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 petitioner has further submitted that the petitioner was not declared proclaimed offender 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 petitioner.

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**”, 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 Complaint Case No.6 dated 27.02.2013 registered under Sections 500, 506, 504 of the Indian Penal Code, 1860 and Sections 3(1) (10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Mansa (Annexure P-1);

consequential proceedings emanating therefrom are ordered to be quashed/set aside, qua the petitioner.

29.09.2022
Ishwar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No