

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.259

CRM-M-48723-2021

Date of Decision: September 13, 2022

Jeet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Neeraj Madan, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Kuldip Singh, Advocate for respondent Nos.2 and 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.138, dated 13.06.2021, under Sections 452, 323, 506, 148 and 149 of the IPC, registered at Police Station City Jalalabad, District Fazilka, and all other consequential proceedings arising therefrom on the basis of the compromise.

On 22.11.2021, this Court had passed the following order:-

“By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR, in question and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Notice of motion for 10.03.2022.

Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent – State while Mr. Kuldip Singh, Advocate has appeared on behalf of respondent Nos.2 and 3. Counsel for the petitioners is directed to supply copy of the paperbook to counsel opposite during course of the day.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 30 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.”*

Pursuant to the aforesaid order, report dated 24.12.2022 was received from the Sub Divisional Judicial Magistrate, Jalalabad (W), to the effect that parties did not appear for get their statements recorded. Thereafter, vide order dated 10.03.2022, the parties were again directed to appear before the trial Court/Illaqa Magistrate to get their statements recorded in terms of the order dated 22.11.2021. Pursuant thereto, report dated 08.04.2022 has been received from the Sub Divisional Judicial Magistrate, Jalalabad (W). The relevant portion of the said report is as under:-

“(1) In the present case as per the report of Investigating Officer, there are six persons namely Darshan Singh, Karan Singh, Manjinder Singh alias Maninder Singh, Surjit Kaur alias Krishna Rani, Sumitra Bai and Jeet Singh arrayed as accused in the present FIR.

(2) In the present case as per the statement of the parties,

Investigating Officer and Ahlmad, none of the accused has been declared as proclaimed offender by this Court.

(3) The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

(4) In the present case as per the statement of parties and Investigating Officer, no FIR is pending against accused Karan Singh, Manjinder Singh alias Maninder Singh and Darshan Singh except the present FIR. One another FIR No.78/2019, under Section 306, 34 IPC. P.S. Vairo Ke was registered against accused Jeet Singh, Surjit Singh @ Krishna Rani and Sumitra Rani.

(5) In the present case as per the statement of the Investigating Officer, there are one complainant namely Sonia widow of Nishan Singh and one injured namely Fauja Singh son of Waryam Singh in the present FIR.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are six accused persons and none of them has been declared as proclaimed person. It is also stated in the report that no FIR is pending against accused Karan Singh, Manjinder Singh alias Maninder Singh and Darshan Singh except the present FIR. One another FIR No.78/2019, under Section 306, 34 IPC. P.S. Vairo Ke was registered against accused Jeet Singh, Surjit Singh @ Krishna Rani and Sumitra Rani.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view 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 the above, the petition is allowed and FIR No.138, dated 13.06.2021, under Sections 452, 323, 506, 148 and 149 of the IPC, registered at Police Station City Jalalabad, District Fazilka, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 13, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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