

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(234)

CRM-M-49534-2021

Date of decision: - 07.02.2022

Akashdeep Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vikram Anand, Advocate,
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Sunakshi Sharma, Advocate
for respondent Nos.2 to 4.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.32 dated 13.04.2021 registered under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860 at Police Station Begowal, District Kapurthala, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise deed dated 12.10.2021 (Annexure P-2).

On 26.11.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.32 dated 13.04.2021 registered under Sections

279, 337, 338 and 427 of the Indian Penal Code, 1860 at Police Station Begowal, District Kapurthala, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise deed dated 12.10.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that the matter has been compromised between the parties. He has further submitted that the petitioner is in Italy and the present petition has been filed through his Special Power of Attorney namely Manjit Kaur, who is mother of the petitioner and has also referred to the Special Power of Attorney which is at page 24 of the paper book in order to show that the said Manjit Kaur is duly authorized to make statement with respect to the present FIR.

Notice of motion for 20.12.2021.

On asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Ms. Sunakshi Sharma, Advocate appears on behalf of respondent Nos.2 to 4.

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 trial Court would record the statement of Manjit Kaur on behalf of the petitioner-Akashdeep Singh as a Special Power of Attorney.

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 Sub Divisional Judicial Magistrate, Bholath (Kapurthala) to the

Registrar (General) of this Court. The relevant part of the report is reproduced hereinbelow:-

“In compliance of the said order, parties have appeared on 07.12.2021, and their statements under the identification of their respective counsel were recorded. As per their statements, the compromise has been arrived in between the parties voluntarily without any pressure or coercion through the respectables of the locality. It is further submitted that statement of Manjit Kaur has been recorded on behalf of petitioner Akashdeep Singh @ Golu as a special power of attorney, and statements of respondent no.3 Sanampreet Kaur (minor) and no.4 Bhupinder Singh (minor) have been recorded through their father namely Sarabjit Singh being natural guardian. Further, it is hereby intimated that as per the statement of ASI Harpal Singh No.531/JR, PS Begowal, District Kapurthala, present FIR was registered against total one accused namely Golu, no other person is arrayed as accused, and said accused is not declared as proclaimed offender in this case, nor he is involved in any other FIR. In this case only one complainant is there whose name is Sarabjit Singh, and there are two victims namely Sanampreet Kaur (minor) and Bhupinder Singh (minor). In this regard, statements of ASI Harpal Singh No.531/JR, PS Begowal, District Kapurthala, has also been recorded. Requisite statements of the parties, recorded in this Court, are being sent herewith. This is for your kind information and necessary action.

Submitted please.

Yours Sincerely,

(Dr. Sushil Bodh),

Sub Divisional Judicial Magistrate

Bholath/(UID-PB0347)

Encl Statements of parties.

OFFICE OF THE DISTRICT & SESSIONS JUDGE, KAPURTHALA.

Endst. No.1707

Dated: 14.12.2021

Forwarded in original alongwith its enclosure(s) to the Registrar General, Hon'ble Punjab & Haryana High Court,

Chandigarh , for information and necessary action”

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. They have further stated that the said compromise is being entered into with there voluntarily, without any pressure or coercion.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he has not been declared a proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent Nos.2 to 4 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.

Learned counsel for the petitioner as well as respondents No.2 to 4 has submitted that in the present case the parties would abide by all the conditions, moreso, conditions No.3, 4 and 5 of the compromise and petitioner would pay the amount as per condition No.3 of the compromise to the complainants within a period of three weeks from today.

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 petitioner and the complainants. 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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.32 dated 13.04.2021 registered under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860 at Police Station Begowal, District Kapurthala, Punjab (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

February 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No