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

CRM-M-49182-2021 (O&M)
Date of decision : 31.10.2022

Sukhwinder Singh @ Nikka

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Ketan Chopra, Advocate for
Mr. Vishal Munjal, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.171 dated 07.11.2017 registered under Sections 406, 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, at Police Station Mukerian, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 06.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel appearing on behalf of respondent No.2 admits the factum of compromise.

Adjourned to 31.10.2022.

Accordingly, the private parties are directed to

appear before the trial Court/Illaqa Magistrate on or before 07.07.2022 for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate 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 in FIR.*
- 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 case 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?*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Sd/-(MANOJ BAJAJ)

JUDGE

06.04.2022 ”

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Mukerian. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance to the aforesaid order, it is respectfully submitted that the point-wise report of undersigned is as follows:

- i. It is submitted that as per the statement of investigating officer, there is only one accused namely Sukhwinder Singh @ Nikka, aged about 50 years, son of Balkar Singh, r/o Mehnadipur, Tehsil Mukerian, Distt. Hoshiarpur.*
- ii. It is submitted that as per the statement of investigating officer, accused Sukhwinder Singh @ Nikka has not been declared as proclaimed offender/proclaimed person in this*

case.

iii. In view of the statements recorded of the parties, the undersigned is of the view that compromise between the accused/petitioner and complainant/respondent no. 2 is genuine, voluntarily and without any coercion or pressure.

Xxx xxx

v. As per the statement of Investigating Officer SI Gurvinder Singh, in the instant FIR, there is only one victim/complainant who is complainant/respondent no. 2 Sukhwinder Kaur, w/o Shamsher Singh, r/o village Abdullapur, Tehsil Mukerian, Distt. Hoshiarpur who has got recorded her statement with regard to compromise.”

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.171 dated 07.11.2017 registered under Sections 406, 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, at Police Station Mukerian, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

31.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No