

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-49679-2021

Date of decision : 26.04.2022

Sukhdev Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Sukhmeet Singh, Advocate  
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.J.S.Bhinder, Advocate for  
Mr.L.S.Lakhanpal, Advocate  
for respondent nos.2 to 4.

**VIKAS BAHL, J.(ORAL)**

This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR no.10 dated 23.01.2020 registered under Sections 457, 380, 427 IPC at Police Station Dakha, District Ludhiana Rural and all other consequential proceedings arising therefrom on the basis of compromise.

On 22.03.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioners has submitted that the parties could not get the statements recorded and prayed for one last opportunity to get their statements recorded within a period of 15 days.*

*On request, adjourned to 26.04.2022.*

*The parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements within a period of 15 days from today.*

*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/affidavit 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.*

*March 22, 2022*

*( VIKAS BAHL )  
JUDGE”*

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

*“Respected Sir, based upon the aforesaid material made available on record, the report, as sought for by the Hon'ble High Court is submitted as under:-*

- i) As per the statement of the I.O ASI Satpal Singh there are three persons namely Sukhdev Singh, Prem Singh and Sarabjit Singh arrayed as accused in the present FIR.*
- ii) Further as per the statement of I.O the accused is not P.O in this case.*
- iii) From the aforementioned statements of the parties, which were got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.*
- iv) As per the statement of the I.O the accused are not involved in any other FIR.*
- v) As per the statement of I.O there is one complainant in this case namely Jagdeep Singh and two of his partners namely Jasdeep Singh and Mandeep Singh.*

*Report is submitted as desired, please*

*Dated: 11.04.2022*

*Varundeer Chopra  
Judicial Magistrate Ist Class,  
Ludhiana.  
(UID No. PBO467)”*

A perusal of the above said report would show that the petitioners and respondent nos.2 to 4 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders 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 petitioners.

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 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 petitioners 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 FIR no.10 dated 23.01.2020 registered under Sections 457, 380, 427 IPC at Police Station Dakha, District Ludhiana Rural and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**April 26, 2022.**

*Davinder Kumar*

**(VIKAS BAHL)  
JUDGE**

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No