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

CRM-M-39317-2019

Date of decision : 27.04.2022

Jaspreet Singh @ Sahil and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Abhishek Kumar, Advocate for
Mr. Dhawaljeet Dutta, 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.135 dated 04.09.2014 registered under Sections 326, 324, 323, 506, 365, 341, 148, 149 of the Indian Penal Code, 1860 at Police Station Shimlapuri, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 16.09.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed seeking quashing of FIR No. 135 dated 04.09.2014, registered for the alleged commission of offences punishable under Sections 326/324/323/506/365/341/148/149 of the IPC, at Police

Station Shimlapuri, District Ludhiana, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. A.P.S. Gill, D.A.G., Punjab, accepts notice on behalf of respondent no. 1.

Mr. Dhawaljeet Dutta, Advocate, appears and accepts notice on behalf of respondent no. 2 and has filed a power of attorney in Court today which is taken on record.

Requisite number of copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 09.12.2019.

In the meanwhile, the petitioners as also respondent no. 2, would appear before the learned trial Court up-to 22.10.2019 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The trial Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.

September 16, 2019

Sd/-(AMOL RATTAN SINGH)

JUDGE ”

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

“In compliance of the order, undersigned has recorded the statements of complainant Gurmantar Singh and accused Davinder Singh, Amandeep Singh @ Monu, Arjan Singh @ John and Balwinder Singh @ Laddi qua the compromise effected between the partis. The compromise appears to be genuine, voluntary and without any coercion or undue influence.

Please find enclosed here with the original statements of complainant namely Gurmantar Singh and accused Davinder Singh. Amandeep Singh @ Monu, Arjan Singh @ John and Balwinder Singh @ Laddi. The undersigned has verified that no other person is involved in the present FIR and there is no requirement of consent of any other person with regard to the compromise.

It is further submitted that accused Jaspreet Singh declared as proclaimed person vide order dated 26.05.2017 passed by my learned Predecessor in this case and accused Jaspreet Singh has not come present before this court for recording his statement in compliance of the order dated 16.09.2019.

It is further submitted that the challan in the present case is presented under sections 323, 324, 326, 341, 506, 356, 148, 149 of IPC but as per order dated 16.09.2019 passed by Hon'ble Punjab and Haryana High Court, this court is directed to record statement qua commission of offences punishable u/s 326, 324, 323, 506, 365, 341, 148, 149 of IPC. But as per section 173 Cr.P.C. report, no offence under section 365 IPC is made out.

Report submitted.

Yours faithfully

Sd/- (Shivani Garg)

Judicial Magistrate Ist Class.

Ludhiana”

A perusal of the above report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that petitioner Nos.2 to 5 and complainant-respondent No.2 have recorded their statements before the trial Court but the statement of petitioner No.1, who has been declared proclaimed person, has not been recorded and they 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 petitioners has submitted that he may be permitted to withdraw the present petition qua petitioner No.1. It is further submitted that as per the judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401**, even partial compromise is permissible and in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender in the present case except petitioner No.1 and there are no other cases pending against them. Learned counsel for the State, as per instructions has stated that these facts are 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 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**”, 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 present petition is dismissed as withdrawn qua petitioner No.1 and is allowed qua petitioner Nos.2 to 5 and FIR No.135 dated 04.09.2014 registered under Sections 326, 324, 323, 506, 365, 341, 148, 149 of the Indian Penal Code, 1860 at Police Station Shimlapuri, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner Nos.2 to 5.

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

27.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No