

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(237)

CRM-M-45343-2022

Date of decision:- 02.12.2022

Satpal Bouri

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ambanshu Sahni, Advocate
for Mr. Anil Kumar Garg, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Kushagra Mahajan, Advocate,
for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.65 dated 09.08.2021, registered under Sections 379, 447, 148 and 149 IPC, at Police Station Morinda, District Rupnagar and all other consequential proceedings arising therefrom on the basis of compromise.

On 29.09.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.65 dated 09.08.2021 registered under Sections 379, 447, 148 and 149 of

the Indian Penal Code, 1860 at Police Station Morinda, District Rupnagar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived between the parties.

Notice of motion.

On the asking of the Court, Mr. Gurpreet Singh Sandhu, D.A.G., Punjab, who is present in the Court, has accepted notice on behalf of respondent No.1-State.

At this stage, Mr. Kushagra Mahajan, Advocate has appeared and accepted notice on behalf of respondents No.2 and 3 and filed his power of attorney in the Court which is taken on record.

Learned Counsel for respondents No.2 and 3 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate within 15 days from today for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report 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. Current stage of the case.*

List on 02.12.2022.

This will, however, be subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Rupnagar.

(ASHOK KUMAR VERMA)
JUDGE

29.09.2022”

In pursuance of the said order, the report has been submitted by the Additional Chief Judicial Magistrate, Rupnagar to the Registrar (General) of this Court. The relevant part of the report is reproduced hereinbelow:-

“On the basis of such statements, the point-wise report is as under:

- (i) Only one accused namely Satpal Bouri has been arrayed as accused in the present FIR.*
- (ii) As per statement of Investigating Officer ASI Satnam Singh accused has not been declared as proclaimed offender in the present case.*
- (iii) From the statements of the complainants Satpal Sandhir and Vinod Kumar as well as of the accused Satpal Bouri recorded in the Court, the compromise seems to be genuine, voluntary and without any coercion or undue influence.*
- (iv) As per statement of Investigating Officer ASI Satnam Singh, the present accused is not involved in any other FIR except the present case.*
- (v) The investigation in the present case is yet to be completed as per statement of the ASI Satnam Singh.”*

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 seems to be genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner has submitted that the petitioner have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.2 and 3 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.

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 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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.65 dated 09.08.2021, registered under Sections 379, 447, 148 and 149 IPC, at Police Station Morinda, District Rupnagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

December 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No