

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

288

CRM-M-49648-2021
Decided on : 21.03.2022

Kanwaljit Singh and another

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Umesh Aggarwal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Prateek Sodhi, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 93 dated 04.08.2021 under Sections 448, 380, 323, 506 and 149 of the Indian Penal Code, 1860 registered at Police Station Sultanwind, District Amritsar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before a co-ordinate Bench of this Court on 26.11.2021, the following order was passed:-

“Notice of motion.

Ms. Gunkirat Kaur, AAG, Punjab and Mr. Prateek Sodhi, Advocate, accept notice on behalf of respondent No.1 and respondents No.2 and 3 respectively.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of FIR No.93 dated 04.08.2021 registered under Sections 448, 380, 323, 506, 149 IPC at Police Station Sultanwind, Amritsar on the strength of a written compromise Annexure P-2 entered into between the parties.

The petitioners as also respondents No.2 and 3 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 13.12.2021 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 21.03.2022.

26.11.2021
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(DEEPAK SIBAL)
JUDGE”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Amritsar to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“It is further submitted that while recording the statements of all the parties, it has been ensured that the compromise arrived at between them is genuine, voluntary and without any coercion or undue influence, being outcome of their free will. Further, as per the statements of complainant Gagandeep Singh and his wife Paramjit Kaur alias Lata, the compromise has been arrived at between the complainant and abovesaid two accused persons. As per the statement of IO ASI Ashwani Kumar also, only abovesaid two persons were nominated in this case. No accused has been declared proclaimed offender in this case and no any other FIR is registered in the police station Sultanwind against any of the accuse. Copy of the statements of parties are attached for kind perusal.

Report is submitted accordingly.

Thanking you.”

A perusal of the said report would show that 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 petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated

that these facts are correct.

Learned counsel for respondent Nos. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 93 dated 04.08.2021 under Sections 448, 380, 323, 506 and 149 of the Indian Penal Code,1860 registered at Police Station Sultanwind, District Amritsar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 21st, 2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No