

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-50097-2021
Decided on : 28.02.2022

Naib Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
(Through Video Conferencing)

PRESENT: Ms. Gurvir Kaur Gill, Advocate
for the petitioner.

Mr. H. S. Multani, AAG, Punjab.

Mr. Gurjant Singh, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 195 dated 25.12.2019 under Sections 420 and 506 of the Indian Penal Code, 1860 registered at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 01.12.2021, the following order was passed:

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.195 dated 25.12.2019 registered under Sections 420, 506 of the Indian Penal Code, 1860 at Police Station Arniwala, District Fazilka (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of

compromise in the shape of affidavit dated 03.09.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 21.12.2021.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Gurjant Singh, Advocate appears on behalf of respondent No.2.

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

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 6. Number of persons arrayed as accused.*
- 7. Whether any accused is proclaimed offender?*
- 8. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 9. Whether the accused persons are involved in any other FIR or not?*
- 10. 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. ”*

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

“5. In compliance to the aforesaid order dated 01.12.2021 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of undersigned is as follows:

- i. *It is respectfully submitted that the present FIR was registered against only one person i.e. accused Naib Singh son of Sukhdev Singh resident of village Tahliwal Jattan, Tehsil & District Fazilka.*
 - ii. *It is further respectfully submitted that as per statement of investigating officer accused Naib Singh has not been declared proclaimed offender.*
 - iii. *It is respectfully submitted that in view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine and has been entered into by the parties voluntarily without any coercion or undue influence.*
 - iv. *It is respectfully submitted that as per report of the investigating officer no other criminal proceeding is pending against the accused/petitioner*
 - v. *It is further respectfully submitted that statement of investigating officer was recorded and as per his statement there is no other victim/complainant, except the complainant/respondent Beant Masih son of Dalip Masih.*
6. *As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself.*
- Submitted Please.”*

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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is not involved in any other FIR.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 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 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, the petition is allowed and FIR No. 195 dated 25.12.2019 under Sections 420 and 506 of the Indian Penal Code, 1860 registered at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

February 28th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No