

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-49819-2021
Decided on : 08.03.2022

Ranjit Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vinod Kumar Kaushal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Raman Kumar, Advocate
for respondent No. 2 and 3.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 216 dated 27.09.2011 registered under Sections 323, 341, 295, 427, 506, 307, 148 and 149 of the Indian Penal Code, 1860 (Sections 307, 295 IPC deleted and Sections 325, 201 IPC added later on) registered at Police Station A-Division Amritsar City, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 09.02.2022, the following order was passed:-

“Learned counsel for the petitioners has submitted that one last opportunity be granted to the parties to appear before the Illaqa Magistrate/trial Court and for the same he prays for 15 days time.

Adjourned to 08.03.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise 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 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.*

However, since the parties have not appeared before the Illaqa Magistrate/trial Court on two occasions, thus, the said opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners jointly, in the High Court Lawyers' Welfare Fund, within a period of 10 days from today. It is made clear that if the said amount is not deposited within the stipulated period of time and the receipt is not shown on the next date of hearing, then the present petition would be liable to be dismissed.”

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:-

“Sir, in compliance with the order passed in CRM-M-49819-2021, Complainant Nirmal Singh, victim Mehar Singh sons of late Lahauri Ram as well as accused/petitioners Ranjit Singh son of Harjit Singh, Gurwinder Singh @ Gurminder Singh son of Ishar, Harmanpreet Singh son of Bhupinder Singh, Ranjodh Singh son of Jaswinder Singh and Jaskaran Singh @ Sukhman Singh son of Jaswinder Singh, appeared in the court and all of them got recorded their individuals statements with regard to compromise effected between them. Accused has also placed on record copy of Receipt No.2472 dated 18.02.2022, vide which cost of Rs.5000/- as imposed by Hon'ble High Court in the order dated 09.02.2022 has been deposited in the Hon'ble High Court Lawyer's Welfare Fund. ASI Harpal Singh appeared on behalf of State and got recorded his statement that complainant Nirmal Singh got registered the present case against accused Ranjit Singh son of Harjit Singh, Gurwinder Singh @ Gurminder Singh son of Ishar, Harmanpreet Singh son of Bhupinder Singh, Ranjodh Singh son of Jaswinder Singh and Jaskaran Singh @ Sukhman Singh son of Jaswinder Singh (petitioners) as well as Iqbal Singh, who has been found innocent and accused Gurdarshan Singh, who is yet to be arrested. As per ASI Harpal Singh, accused have never been declared proclaimed offender(s), nor any PO proceedings are pending against them. Further, ASI Harpal Singh stated that accused Gurwinder Singh has already been convicted by the Court of Sh. Daleep Kumar, the then JMIC, Amritsar, in FIR No.346 of 2014, under section 336 IPC and 25 Arms

*Act, PS A-Division, Amritsar. On the basis of the statements suffered by the parties in the court, it appears that the compromise between **Complainant Nirmal Singh, victim Mehar Singh as well as accused/petitioners Ranjit Singh son of Harjit Singh, Gurwinder Singh @ Gurminder Singh son of Ishar, Harmanpreet Singh son of Bhupinder Singh, Ranjodh Singh son of Jaswinder Singh and Jaskaran Singh @ Sukhman Singh son of Jaswinder Singh**, is genuine, voluntary without any threat or coercion. Accused/petitioners have never been declared proclaimed offender(s), nor any PO proceedings are pending against them. The parties were identified by the learned counsel for the parties.*

Aforementioned report is forwarded for kind information and necessary action 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. As per the said report, it has been observed that the petitioners were never declared as proclaimed offenders in the present case.

As per the above-reproduced report, other than the five petitioners who have approached this Court, there are two more accused out of whom one accused namely Iqbal Singh has been found innocent and the accused namely Gurdarshan Singh has not been made party to the

present petition.

Learned counsel for the petitioners and respondent No. 2 have submitted that although, the present case is a case of partial compromise but the same is permissible as per law.

Learned counsel for the petitioners have relied upon the judgment of the Hon'ble Supreme Court titled as ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as **2012 (12) SCC 401**, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

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 parties. He has submitted that FIR and subsequent proceedings may be quashed.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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. 216 dated 27.09.2011 registered under Sections 323, 341, 295, 427, 506, 307, 148 and 149 of the Indian Penal Code, 1860

(Sections 307, 295 IPC deleted and Sections 325, 201 IPC added later on)
registered at Police Station A-Division Amritsar City, District Amritsar
(Annexure P-1) and all subsequent proceedings arising therefrom on the
basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 8th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No