

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-50470-2021
Decided on : 21.03.2022

Kirpal Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Kuljit Singh Bal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sukhbir Maandi, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 63 dated 12.06.2019 under Sections 452, 323, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Mohkampura, District Amritsar Rural (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 03.12.2021, the following order was passed:-

“Present petition has been filed for quashing of FIR No. 63 dated 12.06.2019, registered under Sections 323, 452, 506, 148, 149 IPC at Police Station Mohkampura, District Amritsar (Rural), on the basis of compromise entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise on 02.07.2021, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Mr. Satbir Mandi, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No. 2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 03.02.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 21.12.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a 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, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in*

the FIR and all the victims/complainants as well as accused are party to the compromise in question.

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed.

03.12.2021
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(HARSIMRAN SINGH SETHI)
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:-

“4. As regards information required by the Hon'ble High Court:-

(i) Number of persons arrayed as accused in the FIR

As per statement of the investigating officer, a total of 4 persons were arrayed as accused in the FIR namely Kirpal Singh, Charanpreet Singh @ Kalu, Sukhwinder Kaur and Neelam.

(ii) Whether any accused is proclaimed offender

As per statement of the investigating officer, no accused is a proclaimed offender.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The compromise thus appears to be genuine

and valid and voluntary and out of free will and volition of the parties and without any any inducement, threat, coercion or undue pressure or influence.

(iv) Whether the accused persons are involved in any other FIR or not.

As per statement of the investigating officer, the accused are not involved in any other FIR.

(v) The Trial Court was also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.

As per statement of the investigating officer, there are three victims/complainants in the present FIR namely Kawalpreet Kaur, Balwinder Kaur and Balwinder Singh and all the victims/complainants as well as accused are party to the compromise in question.

5. Accordingly, this report, along with attested copies of statements of the parties and statement of the investigating officer is submitted for your kind perusal.”

A perusal of the said report would show that it has been stated that the statements of the complainants/victims 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 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 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. 63 dated 12.06.2019 under Sections 452, 323, 506, 148 and 149 of the Indian Penal Code,1860 registered at Police Station Mohkampura, District Amritsar Rural (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