

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-49981-2021
Decided on : 14.02.2022

Sukhdev Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

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

PRESENT: Ms. Poorva Gupta, Advocate for
Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Jagdeep S. Virk, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 139 dated 21.06.2017 under Sections 447 and 506 of the Indian Penal Code, 1860 registered at Police Station Sadar Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 22.12.2021, the following order was passed:-

“Learned counsel for the petitioner and respondent No.2 have submitted that on account of communication gap, the statements could not be recorded and pray for one more opportunity to get the statements of the parties recorded.

Adjourned to 24.01.2022.

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

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. ”*

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

“In view of the statements of the parties recorded before this court as mentioned in detail above and from the record, it is hereby reported that:-

(i) Number of persons arrayed as accused.

There is only one accused in the present FIR.

(ii) Whether any of the accused has been declared a Proclaimed Offender;

AS per record, there is only one accused in the present FIR and he has not been declared proclaimed offender.

(iii) Whether the compromise is genuine, Voluntary, without any coercion or undue influence?

In their statements before this Court dated 04.01.2022, both the complainant as well as the accused have stated that the compromise arrived between them is voluntary, without any coercion or undue influence and the compromise between them is genuine. In view of the statements suffered by both the parties the compromise effected between them is genuine, voluntary and Without any coercion or undue influence.

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

Accused in his duly sworn affidavit Ex.C1 has stated that no case except the present FIR is pending against him. The Investigating Officer has also confirmed the fact that except the present FIR, no FIR is pending against the accused Sukhdev Singh. In view of the statement suffered by accused as well as Investigating Officer, the accused is not involved in any other FIR except the present FIR.

(v) 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.

10 ASI Parwinder Singh, No.1421/PTA in his statement before this Court dated 10.01.2022 stated that there is one only one complainant/victim in the present FIR.

8. *I accordingly submit my report along-with the original statements of the parties as well as Investigating Officer for kind perusal.*

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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is 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 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. 139 dated 21.06.2017 under Sections 447 and 506 of the Indian Penal Code, 1860 registered at Police Station Sadar Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

February 14th, 2022

Mehak

(VIKAS BAHL)

JUDGE

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