

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

250 (A)

CRM-M-50899-2021
Decided on : 10.03.2022

Prem Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Parneet Singh Baidwan, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Sultan Singh Gill, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing the cross case registered vide DDR No. 22 dated 30.12.2020 under Sections 323, 326 and 34 of the Indian Penal Code, 1860 registered at Police Station Kathu Nangal, District Amritsar Rural (Annexure P-2) arising out of FIR No. 356 dated 27.12.2020 registered under Sections 323, 325, 326 and 34 of the Indian Penal Code, 1860 registered at Police Station Kathu Nangal, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before a co-ordinate Bench of this Court on 15.12.2021, the following order was passed:-

“The petitioners herein seek the quashing of the DDR No.22 dated 30.12.2020 entered at Police Station Kathu Nangal, District Amritsar Rural, under Sections 323, 326, 34 IPC, in connection with the FIR bearing No.0356 dated 27.12.2020 registered at the same Police Station under Sections 323, 325, 326, 34 IPC, along-with all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise in this case.

Learned counsel for the petitioners, inter-alia, contends that the complainant and the petitioners-accused are closely related to one another and due to the intervention of the respectables, they have arrived at an amicable settlement of their dispute in the instant case and the said settlement/compromise would promote peaceful, harmonious and cordial relations between them.

Notice of Motion.

Ms. Samina Dhir, learned Deputy Advocate General, Punjab, who has appeared in this case in pursuance of the copy of this petition having been sent to the respondent-State in advance, accepts the notice on behalf of respondent No.1.

Mr. Sultan Singh Gill, Advocate, has also appeared on behalf of respondents No.2 and 3 and he has submitted his power of attorney in the Court and the same is taken on the record. He also accepts the notice on behalf of these respondents and admits the factum of compromise having been arrived at between the parties.

The private parties are directed to appear before the Illaqa Magistrate/trial Court on 10.02.2022 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or

before 10.03.2022 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The trial Court/Illaq Magistrate is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaq Magistrate/trial Court be awaited for the date fixed.

December 15, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
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:-

“(5)The report is as under:

- 1) The number of accused arraigned in the DDR is*

three i.e. the petitioners and all of them had appeared and made statement before the Court qua compromise.

- 2) As per the statement of the IO and the Ahlmad, none of the accused has been declared as a proclaimed offender.*
- 3) The name of the complainant is Nirmaljit kaur and the injured is Kashmir Kaur and both of them had appeared and made statement in support of the compromise.*
- 4) As far as the proceedings are concerned, the challan has not yet been filed.*
- 5) After perusing the statements of the parties, this Court is satisfied that the compromise is genuine, voluntary and out of free will of the parties.*
- 6) As per the statement of the IO, no other case is pending against any of the accused.*

Hence, the report is submitted.

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 the cross case registered vide DDR No. 22 dated 30.12.2020 under Sections 323, 326 and 34 of the Indian Penal Code, 1860 registered at Police Station Kathu Nangal, District Amritsar Rural (Annexure P-2) arising out of FIR No. 356 dated 27.12.2020 registered under Sections 323, 325, 326 and 34 of the Indian Penal Code, 1860 registered at Police Station Kathu Nangal, District Amritsar Rural (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 10th, 2022
Mehak

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