

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47338-2022

Date of decision:14.11.2022

Harveer Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Inderpreet Singh Kooner, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Raj Partap Singh Brar, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.130 dated 05.06.2022, registered under Sections 457,380 and 427 IPC, at Police Station Sadar Nabha, District Patiala (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise.

On 14.10.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.130 dated 05.06.2022, registered under Sections 457,380 and 427 IPC, at Police Station Sadar Nabha, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 14.11.2022.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Raj Partap Singh Brar, Advocate, appears and accepts

notice on behalf of respondent No.2 and admits the factum of compromise.

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

*(VIKAS BAHL)
JUDGE”*

October 14, 2022

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

- “1. The present case FIR has been registered against four accused persons namely Harveer Singh, Lovepreet Singh, Sukhchain Singh and Harwinder Singh.*
- 2. In the present case no accused has been declared as proclaimed offender.*
- 3. From the aforesaid statements of the affected parties, it apparently appears that the parties have voluntarily, without any pressure or coercion entered into the compromise between themselves and have settled the matter amicably and said compromise appears to be genuine.*
- 4. Accused namely Lovepreet Singh, Sukhchain Singh and Harwinder Singh are not involved in any other FIR except this one. However as per statement of ASI Labh Singh, Investigating Officer of this case an another case has been registered against accused Harveer Singh bearing FIR No.218/21, under Sections 323, 324, 336, 341, 506, 160, 148, 149 IPC and 25/54 Arms Act, Police Station Anaj Mandi, Patiala.*
- 5. As per statement of ASI Labh Singh, there are only one complainant namely Maneetpal Singh and as per his statement FIR of present case was registered against accused Harveer Singh, Lovepreet Singh, Sukhchain Singh and Harwinder Singh.”*

A perusal of the above said report would show that the petitioners and complainant-respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case.

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

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 two parties.

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.130 dated 05.06.2022, registered under Sections 457,380 and 427 IPC, at Police Station Sadar Nabha, District Patiala (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

14.11.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No