

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-42037-2019

Date of decision: - 04.02.2022

Nishan Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- None for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None for the remaining respondents.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.282 dated 18.09.2017, under Sections 326, 324, 323, 341, 148 and 149 IPC (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 03.08.2019 (Annexure P-2).

On 30.09.2019, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed seeking quashing of FIR No. 0282 dated 18.09.2017, registered for the alleged commission of offences punishable under Sections 326/324/323/341/148/149 of the IPC, at

Police Station Division A District Amritsar, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondents no 2 to 7. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. A.P.S. Gill, D.A.G., Punjab accepts notice on behalf of respondent no.1.

A copy of the petition be handed over to him during the course of the day.

Respondents no. 2 to 7 be served by way of ordinary process.

Adjourned to 13.12.2019.

In the meanwhile, the petitioners as also respondents no. 2 to 7, would appear before the learned trial Court up-to 06.11.2019 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The trial Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Amritsar, to the Deputy Registrar (Criminal) of this Court. The relevant part of the report is reproduced hereinbelow:-

“On the basis of the statements suffered by the parties, it appears that the compromise is genuine, voluntary without any threat

or coercion. The parties were identified by the learned counsel for the parties. As per Investigating Officer, no any other person except the above said accused is involved in the occurrence in question. Four other cases have been registered against accused Satnam Singh in FIR No.281/14. FIR No.174/2016, FIR No.55/2017 and FIR No.151/2018 at police station A-Division. One other case has been registered against accused Gurmukh Singh in FIR No.385 of 2013, at PS A-Division, Amritsar. One other case has been registered against accused Joban Singh in FIR No.172/2017 at PS A-Division.

Aforementioned report is forwarded for kind information and necessary action please.

Yours faithfully,

sd/-

(Minakshi Mahajan)

Judicial Magistrate 1st Classified

Amrtisar. (UID No.PB0377)

Encl:-

- 1. Statement of complainant Mangal Singh alongwith injured Rita, Lovepreet Singh @ Lovely, Tiddu Singh, Prince @ Bikka and Manni @ Harpreet Kaur.*
- 2. Statements of accused Nishan Singh, Satnam Singh @ Kaka, Manjit Kaur @ Pappi, Manga @ Mota and Gurmukh Singh @ Chhotu.*
- 3. Statement of Investigating Officer ASI Gurbir Singh No.1881."*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and out of free will. The compromise has been found to be genuine and valid.

The fact that some of the petitioners are involved in other cases would not come in the way of quashing of the present case

inasmuch as the compromise in the present case is genuine.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant/injured persons. 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 feel that the same was 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, this petition is allowed and FIR No.282 dated 18.09.2017, under Sections 326, 324, 323, 341, 148 and 149 IPC (Annexure P-1) and all the consequential proceedings emanating therefrom are ordered to be quashed, on the basis of compromise dated 03.08.2019 (Annexure P-2), qua the petiitoners.

February 04, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No