

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48385-2022

Date of decision : 04.11.2022

Sandeep Singh @ Dad Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

Today, the Lawyers have decided to abstain from appearing in the Court because of the call given by the Bar Association.

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.08 dated 27.01.2021 registered under Sections 323, 324, 34 IPC at Police Station Phool, District Bathinda, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.10.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.8 dated 27.01.2021 registered under Sections 323/324/34 of the Indian Penal Code, 1860 at Police Station Phool, District Bathinda and all the subsequent 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 04.11.2022.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. T.S. Hundal, Advocate appears on behalf of respondent Nos.2 and 3.

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

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.*

18.10.2022”

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Phul. The relevant portion of the said report is reproduced hereinbelow:-

“The point wise report is as under:-

- 1. As per the statement of Assistant Sub Inspector Gursewak Singh No 413/BNL, P.S. Kotwall, there are only four accused in the present case. As per the statement of complainant Jaspal Singh, the present FIR was lodged by him against accused Sandeep Singh @ Dad Singh, Jagjit Singh @ Gadhu Singh, Toni Singh @ Poni Singh and Mintu Singh only.*
- 2. As per the statement of Assistant Sub Inspector Gursewak Singh No.413/BNL, P.S. Kotwali, no accused has been declared proclaimed offender.*
- 3. The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence. Statements of parties were duly recorded before the undersigned and they were duly identified by their respective counsel.*

4. As per the statement of Assistant Sub Inspector Gursewak Singh No.413/BNL, P.S. Kotwali, the accused persons are not involved in any other FIR.

5. As per the statement of Assistant Sub Inspector Gursewak Singh No.413/BNL, P.S. Kotwali, there is one complainant namely Jaspal Singh in the present case and one victim Satvir Singh also received injuries and has been cited as eye witness in this case.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant, injured 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.

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 and injured. 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**”, reported as **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*”, reported as *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.08 dated 27.01.2021 registered under Sections 323, 324, 34 IPC at Police Station Phool, District Bathinda and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 04, 2022.

Davinder Kumar

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No