

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48363-2022

Date of decision : 01.12.2022

Paras @ Rajbir Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vikas Gupta, Advocate
for the petitioner.

Mr.Iqbal S.Mann, DAG, Punjab.

Mr. Raghav Soni, 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.223 dated 22.10.2021, registered under Section 379 IPC, at Police Station 'A' Division, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise.

On 17.11.2022, 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.223 dated 22.10.2021, registered under Section 379 IPC, at Police Station 'A' Division, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, there are two accused persons, out of which, one accused person i.e. the present petitioner has filed the present petition for quashing of FIR on the basis of compromise and thus,

the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012(12) SCC 401 to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Notice of motion for 01.12.2022.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Dilpreet Singh Gandhi, 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 10 days 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.*

November 17, 2022”

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

“1. In reply to para no.1, it is humbly submitted that, as per the record lying with this court and statement of investigating officer, the present FIR No. 223 dated 22.10.2021 under section 379 IPC was registered against two accused namely Rajbir Singh @ Paras and Nitish at PS A-Division, Amritsar on the statement of complainant Balbir Singh. Both the accused have joined the investigation. Except the above said accused no other accused is arrayed in present FIR.

2. In reply to para no. 2, it is submitted that as per record and statement of the investigating officer no accused is declared proclaimed offender in the present case yet.

3. In reply to para no. 3, it is humbly submitted that the complainant Balbir Singh and accused namely Paras @ Rajbir Singh in their respective statements have stated on oath that the matter has been mutually compromised between them and now no grudge or enmity remains between them. I have inquired the factum of compromise from the parties present in the Court who endorsed the fact of effecting of compromise between them with their free volition. From the statements of the parties as well as the other circumstances, it seems that the compromise has been effected between complainant Balbir Singh and accused namely Paras @ Rajbir Singh with their free consent and without any inducement or threat of any person.

xxx xxx xxx

5. In reply to para no.5, it is humbly submitted that as per report of the Investigating officer, there is only one complainant/victim namely Balbir Singh in the present FIR.”

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

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

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

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.223 dated 22.10.2021, registered under Section 379

IPC, at Police Station 'A' Division, District Amritsar and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

December 01, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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