

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(240)

CRM-M-53271-2021

Date of decision: - 17.02.2022

Jarnail Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Monty Goyal, Advocate,
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR No.59 dated 11.07.2014 (Annexure P-1) registered under Sections 420, 406, 120-B IPC at Police Station Jodhan, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise deed (Annexure P-2).

On 21.12.2021, this Court was pleased to pass the following order:-

“This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR No.59 dated 11.07.2014 (Annexure P-1) registered under Sections 420, 406, 120-B IPC at Police Station Jodhan, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise deed dated 20.03.2017 (Annexure P-2).

Learned counsel for the petitioners has submitted that all the

persons concerned are party to the compromise.

Notice of motion.

On the asking of the Court, Mr. Sarabjit Singh, AAG, Punjab, accepts notice on behalf of respondent no.1.

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

Adjourned to 17.02.2022.”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Ludhiana to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“Therefore, by considering the statements of the Complainant Amritpal kaur and Accused namely Jarnail Singh and Sukhwinder Singh, it makes out that total number of persons arrayed as accused are 12. In this case there are two persons namely as Paramjit singh Bhatti and Sukhwinder Singh are proclaimed Offender, and the parties of the present case have compromised the matter with their free will and without any pressure and influence, so this compromise between the parties appears to be genuine, voluntarily and valid and the accused Sukhwinder Singh name is involved two other FIR, and As per Statement of S1 Rajinder Singh No 73/LDH (Rural), P.S Kathgarh, Distt SBS Nagar stated that an FIR no 59 dated 11.07.2014, Ps Jodhan, Ludhiana was registered against the accused

Jarnail Singh and Others and in this Case Complainant is Amritpal Kaur.

Hence, necessary report is hereby submitted for kind perusal.

Thanking you.

Yours faithfully

Etu Sodhi, PCS

Judicial Magistrate Ist Class,

Ludhiana

UID No. PB0431”

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. Further perusal of the report would show that petitioner No.2 is involved in other cases, however, the same would not come in the way of quashing of present petition as the compromise between the parties has been found to be voluntarily, without any pressure or coercion or any threat. Although, it is stated that there are 12 accused persons, but only two accused/petitioners have filed the present petition.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as ***Jayrajsinh Digvijaysinh Rana vs. State of Gujrat and another***, reported as ***2012(12) SCC 401***, to contend that where there is a partial compromise with some of the accused then also the proceedings against the said accused should be quashed as the same would not even remotely result in conviction of the said accused.

This Court has heard the learned counsel for the parties and has perused the file.

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. 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.59 dated 11.07.2014 (Annexure P-1) registered under Sections 420, 406, 120-B IPC at Police Station Jodhan, District Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

February 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No