

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M-53593-2021
Decided on : 10.05.2022

Jaskaran Singh @ Jassa and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. K. S. Brar, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Amandeep Singh, Advocate for
Mr. I. S. Mann, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 88 dated 06.06.2021 under Sections 307, 341, 506, 148, 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act (Sections 25 of the Arms Act, 1959, Section 307 IPC deleted and Sections 336 and 201 IPC added subsequently) registered at Police Station Jaito, District Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 28.03.2022, this Court was pleased to pass the following order:-

*“Learned State counsel, on instructions
from ASI Sukhveer Singh, has submitted that in*

the present case, Section 307 IPC has been deleted and Sections 336 and 201 IPC have been added.

Learned counsel for the parties have submitted that all the persons concerned are parties to the compromise.

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

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 10.05.2022.*

A photocopy of this order be placed on the file of other connected case.”

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Jaitu to the Registrar General of this Court. The relevant portion of the said report is reproduced

hereinbelow:-

“The statement of ASI Gurdeep Singh No.789/FDK, PS Jaitu was recorded. He stated the present FIR has been registered against accused namely Jaskaran Singh @ Jassa, Satnam Singh, Amritjot Singh, Jaspreet Singh @ Jagpreet Singh and Gurbinder Singh on the complaint of complainant Buta Singh. There are five accused arrayed in present FIR. None of the accused is involved in any other FIR. None of the accused has been declared as proclaimed offender in the present case. Apart from the complainant Buta Singh, Pritpal Singh was also affected in the said FIR.

As per the statement of the parties, it appears that the compromise is genuine, voluntary without any threat, undue influence or coercion. It has come on record that the present FIR is registered against five accused namely Jaskaran Singh @ Jassa, Satnam Singh, Amritjot Singh, Jaspreet Singh @ Jagpreet Singh and Gurbinder Singh. It has also come on record that none of the accused is involved in any other FIR It has also come on record that none of the accused has been declared as proclaimed offender in the present case. It has also come on record that apart from the complainant Buta Singh, Pritpal Singh was also affected in the said FIR.

The aforementioned report is forwarded for kind information and necessary action please.

Submitted please.”

A perusal of the above report would show that it has been

stated that the statements of Complainant as well as the petitioners have been recorded in the case and they have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 88 dated 06.06.2021 under Sections 307, 341, 506, 148, 149 of the Indian Penal Code, 1860 and Sections 25

and 27 of the Arms Act (Sections 25 of the Arms Act, 1959, Section 307 IPC deleted and Sections 336 and 201 IPC added subsequently) registered at Police Station Jaito, District Faridkot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 10th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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