

267

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

CRM-M-53586-2021

Date of decision : 31.05.2022

Boota Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. I.S. Mann, Advocate for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. K.S. Brar, Advocate for respondent Nos.2 to 6.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of DDR No. 40 dated 09.06.2021 under Sections 341, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Jaito, District Faridkot in case FIR No. 88 dated 06.06.2021 under Sections 307, 341, 506, 148, 149 of the Indian Penal Code, 1860 and Section 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 10.05.2022, this Court had passed the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of DDR No. 40 dated 09.06.2021 under Sections 341, 323, 148 and 149 of the Indian Penal Code, 1860

registered at Police Station Jaito, District Faridkot in case FIR No. 88 dated 06.06.2021 under Sections 307, 341, 506, 148, 149 of the Indian Penal Code, 1860 and Section 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.

In pursuance of the order dated 28.03.2022, no report has been submitted by the trial court with respect to the DDR No. 40 dated 09.06.2021. It would be relevant to mention that CRM-M-53593-2021 has been filed under Section 482 Cr.P.C. for quashing of the FIR on the basis of the compromise of which the present DDR is the cross version, was also listed today. In the said case, the statements of the accused as well as the complainant and the injured persons have been recorded by the trial Court and a report has been received and on the basis of the said report, the said petition has been allowed.

However, no report has been received by the trial Court in the present case nor it is coming out from the abovesaid received report that the same is with respect to both the FIRs and the DDR.

Accordingly, the trial Court is directed to comply with the order dated 28.03.2022.

The parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

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 31.05.2022. ”

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Jaitu. 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 that the present DDR has been registered against accused namely Rupinder Singh, Buta Singh, Davinder Singh and Pritpal Singh on the complaint of complainant Jaspreet Singh @ Jagpreet Singh. There are four accused arrayed in the present DDR. None of the accused has been declared as proclaimed offender in the present case. None of the accused is involved in any other FIR. There is only one injured namely Jaspreet Singh @ Jagpreet Singh in the present case.

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 DDR is registered against four accused namely Rupinder Singh, Buta Singh, Davinder Singh and Pritpal Singh. 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 none of the accused is involved in any other FIR. It has also come on record that there is only one injured namely Jaspreet Singh @ Jagpreet Singh in the present case.

The aforementioned report is forwarded for kind information and necessary action please. It is further humbly submitted that report was also sent vide office No.263 dated 02.05.2022 to Hon'ble High Court as per previous directions.

Submitted please.

Yours faithfully,

Sd/- Harpreet Singh,

Sub Divisional Judicial Magistrate,

Jaitu.

UID NO. PB0345.”

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 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. 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 the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent Nos.2 to 6 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

Court finds that the matter has been amicably settled between the petitioner 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.

In the present case, as per the petition, there are five complainants/victims whereas in the abovesaid report submitted by the Sub Divisional Judicial Magistrate, it has been stated there is only one victim i.e. Jaspreet Singh @ Jagpreet Singh. A perusal of the statements annexed alongwith the said report would show that all the five persons who are made as respondents in the present case have given their statements in support of the compromise. The said statements are of Gurbinder Singh son of Dhan Singh @ Chand Singh, Amritjot Singh son of Harbans Singh, Satnam Singh son of Jagsir Singh @ Gurnam Singh, Jaskaran Singh @ Jassa son of Balwinder Singh @ Baljinder Singh and Jaspreet Singh @ Jagpreet Singh son of Jagsir Singh.

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 DDR No. 40 dated 09.06.2021 under Sections 341, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Jaito, District Faridkot in case FIR No. 88 dated 06.06.2021 under Sections 307, 341, 506, 148, 149 of the Indian Penal Code, 1860 and Section 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 the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

31.05.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No