

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53258-2021

Date of decision:26.08.2022

Jugraj Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Chandan Singh Rana, Advocate for the petitioners.

Mr. M.S. Bajwa, DAG, Punjab

Ms. Himani, Advocate for

Mr. Akshay Rana, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.30 dated 10.5.2020, under Sections 324, 506 read with Section 34 IPC, registered at Police Station Jodhan, District Ludhiana Rural and all subsequent proceedings arising therefrom on the basis of compromise dated 2.6.2020 (Annexure P-2).

On 17.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Due to COVID-19 situation, the Court is convened through video conference.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.30 dated 10.5.2020, under Sections 324, 506 read with Section 34 IPC, registered at Police Station Jodhan, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 2.6.2020.

Notice of motion.

Mr. Sandeep Kumar, DAG Punjab and Mr. Akshay Rana, Advocate accept notice on behalf of the State and the

complainant respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 28.2.2022.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is proclaimed offender and*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 16.3.2022.

17th July, 2022 (AVNEESH JHINGAN)
JUDGE”

In pursuance to the said order, a report has been submitted by Judicial Magistrate 1st Class, Ludhiana. The relevant portion of the said report is reproduced hereinbelow:-

“Therefore, by considering the statements of the complainant Jagdish Singh s/o Jaswant Singh, as well as accused Jagdish Singh and Jugraj Singh, it makes out that 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.

Hence, necessary report is hereby submitted for kind perusal.

Thanking you,

Yours faithfully

*Etu Sodhi, PCS
Judicial Magistrate 1st Class,
Ludhiana
UID No.PB0431”*

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

A perusal of the report would further reveals that the petitioners

PGIMER, Chandigarh.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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 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 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

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.30 dated 10.05.2020 under Sections 324, 506 read with Section 34 IPC registered at Police Station Jodhan, District Ludhiana Rural and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

August 26, 2022.

Ishwar Singh

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No