

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53220-2021

Date of decision : 15.02.2022

Chamkaur Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Amritpal Singh Gill, Advocate
for the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

Mr.A.S.Brar, Advocate for
Mr.D.S.Virk, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.153 dated 31.10.2021 registered under Sections 324, 506 and 34 IPC (Section 326 IPC added later on) at Police Station Sadar Malout, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of compromise.

On 20.12.2021, 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.153 dated 31.10.2021 registered under Sections 324, 506, 34 IPC (Section 326 IPC added later on) at Police Station Sadar Malout, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of

compromise dated 03.12.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion.

On the asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of respondent no.1. Mr.D.S.Virk, Advocate, appears on behalf of respondents no.2 and 3 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 15 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 25.01.2022.”

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

“I have also gone through the relevant record. After evaluating the record and from the statements of the parties, report is submitted as under;

That as per record and as per statement of IO, Chamkaur Singh along with two unknown persons was

arrayed as accused in the given FIR and only Chamkaur Singh was named as an accused in the given case;

(ii) That as per statement of IO, no accused has been declared Proclaimed Offender in the given case:

(iii) That the compromise is genuine, voluntary and without any coercion or undue influence;

(iv) That as per statement of accused, he is not involved in any other FIR;

(v) That as per record and as per statement of IO, there is only one victim/complainant namely Jit Ram in the given FIR.

Hence, the report is submitted please.

Yours Sincerely,

*(Shivangi Sangar),
Judicial Magistrate Ist Class
Malout UID No. PBO392 ”*

A perusal of the above said report would show that the petitioner and respondents no.2 and 3 have appeared and have suffered statements with respect to the compromise, which has been found to be voluntary, genuine, without any coercion or undue influence.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case.

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

Learned counsel for respondent no.2 and 3 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 parties. He prayed that FIR and subsequent proceedings may be quashed.

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 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.

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.153 dated 31.10.2021 registered under Sections 324, 506 and 34 IPC (Section 326 IPC added later on) at Police Station Sadar Malout, District Sri Muktsar Sahib and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

February 15, 2022.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No