

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-53808-2021
Decided on : 08.04.2022

Sukhwinder Singh @ Mangu and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Baljinder Singh, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Jagjit Singh, Advocate for
Mr. N. S. Dadwal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 117 dated 21.04.2015 under Sections 323, 341, 294, 506, 356 and 120-B of the Indian Penal Code, 1860 registered at Police Station Dakha, District Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.12.2021, 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. 117 dated 21.4.2015, under Sections 323, 341, 294, 506, 356, 120-B IPC registered at Police Station Dakha, District Ludhiana and all other subsequent proceedings arising therefrom on the basis of

compromise dated 18.10.2021.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab and Mr. N. S. Dadwal, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 10.1.2022.

The 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 in the FIR;*
- (2) Whether any accused is declared as proclaimed offender;*
- (3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 31.1.2022.

*Sd/-
23rd December, 2021 (AVNEESH JHINGAN)
JUDGE”*

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

“3. Statement of, the Investigating Officer of this case namely ASI Surjit Singh, was also recorded on 12.01.2022 and he had accordingly stated to the effect that he was the Investigating Officer of the present case and there is one complainant namely Amandeep Singh in the

present FIR. He further stated to the effect that there are five accused named in the FIR ie Sukhwinder Singh @ Mangu S/o Beant Singh, Pushpinder Singh @Bindri S/o Balwinder Singh, Ranjit Singh @ Reeta S/o Rashpal Singh, Tanveer Singh S/o Surinderpal Singh and Ranjit Singh Bhandari S/o Bikar Singh. He further stated that none of the accused was P.O in the present case.

4. Respected Sir, based upon the aforesaid material made available on record, the report, as sought for by the Hon'ble High Court is submitted as under:

i) As per the statement of the LO ASI Surjit Singh there are five persons arrayed as accused in the present FIR.

ii) Further as per the statement of I.O none of the accused is P.O in this case.

iii) From the aforementioned statements of the parties, which were got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.

Report is submitted as desired, please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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 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 these facts are correct.

Learned counsel for respondent No. 2 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, 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 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. 117 dated 21.04.2015 under Sections 323, 341, 294, 506, 356 and 120-B of the Indian Penal Code,1860 registered at Police Station Dakha, District Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 8th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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