

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(238)

CRM-M-54098-2021

Date of decision: - 07.02.2022

Pargat Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. V.K. Sandhir, Advocate, for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate, for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.197 dated 14.09.2010 registered under Sections 379/427/447/511 of the Indian Penal Code, 1860 at Police Station Jandiala Guru, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 18.10.2021 (Annexure P-3).

On 23.12.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.197 dated 14.09.2010 registered under Sections 379/427/447/511 of the Indian Penal Code, 1860 at Police Station Jandiala Guru, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise

dated 18.10.2021 (Annexure P-3).

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

Notice of motion for 17.01.2022.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Umesh Kumar Kanwar, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 2 weeks.

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.”*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Amritsar to the Registrar (Judicial) of this Court. The relevant part of the report is reproduced hereinbelow:-

“Pursuant to the order dated 23.12.2021 passed by the Hon'ble High Court in CRM-M-54098-2021, report is hereby submitted to the effect that the statement complainant Kartar Singh son of Sunder Singh, resident of near New Court, Panjgarain, Nigran, Tehsil Ajnala, District Amritsar and accused Pargat Singh age 45 years son of Sh. Niranjan Singh resident of Patti Jani Ki, Village Bundala, PO Bundala, Tehsil and District Amritsar have been recorded in case bearing FIR No. 197 dated 14.09.2010, under

Sections 379, 427, 447, 511 of IPC. Police Station Jandiala Guru (Amritsar). This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any pressure, undue influence or coercion. Following is the requisite information, as directed:

- I. As per the statement of ASI Tarsem Singh No. 850/ASR. Posted at PS Jandiala, Amritsar, the present case was registered by complainant Kartar Singh against accused Pargat Singh, Niranjana Singh, Gurmeet Singh and Gurminder Singh and accused Gurmeet Singh has already been died and accused Niranjana Singh and Gurminder Singh have already been acquitted by the Court of Ms. Ekta Sahota, JMFC, Amritsar.*
- II. As per the statement of ASI Tarsem Singh No. 850 ASR, Posted at P.S Jandiala, Amritsar, accused Pargat Singh is also involved in one other case bearing FIR no. 283 dated 02.10.2021, u/s 299-A of IPC, P.S Jandiala Guru, Amritsar.*
- III. As per the statement of ASI Tarsem Singh No. 850/ASR. Posted at P.S Jandiala, Amritsar, except complainant Kartar Singh there is no other victim/complainant in the present case.*
- IV. As per the statement of ASI Tarsem Singh No. 850 ASR, Posted at P.S Jandiala, Amritsar, no accused person has been declared as Proclaimed offender.*

*(Nirmala Devi),
Judicial Magistrate Ist Class,
Amritsar UID No.PB0411”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their voluntary and without any pressure. It has been mentioned in the said report that there is one more case registered against accused/petitioner Pargat Singh. However, the same would not come in the way of quashing of present petition as the

compromise between the parties has been found to be without any pressure, undue influence or coercion.

Learned counsel for the petitioner has submitted that the petitioner has not been declared a proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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 parties.

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.197 dated 14.09.2010 registered under Sections 379/427/447/511 of the Indian Penal Code, 1860 at Police Station Jandiala Guru, District Amritsar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

February 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No