

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(247)

CRM-M-1607-2022

Date of decision: - 07.02.2022

Gurvinder Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ranbir Singh Sekhon, Advocate, for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Amandeep Saini, 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 cross-case bearing DDR No.32 dated 20.03.2017, registered under Sections 323, 324, 506, 148 and 149 IPC, at Police Station Anandpur Sahib, District Rupnagar in FIR No.28 dated 17.03.2017 registered at Police Station Anandpur Sahib, District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise dated 29.11.2021 (Annexure P-3).

It would be relevant to mention that a petition bearing CRM-M-650-2022 under Section 482 for quashing of FIR No.28 dated 17.03.2017, registered under Sections 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Anandpur Sahib, District

Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise dated 29.11.2021 (Annexure P-3), was filed by Rohit Kumar and four other persons with respect to the same incident regarding which the present DDR has been got registered. Rohit Kumar is petitioner No.1 in the said CRM-M-650-2022 and he is respondent No.2 in the present petition and on his statement the present DDR has been got registered. In the above-said CRM-M-650-2022, the parties were directed to get their statements recorded with respect to above-said compromise. In pursuance of the same, the Judicial Magistrate 1st Class, Sri Anandpur Sahib, has submitted his report. The relevant part of the report is reproduced hereinbelow:-

“7. So, from the statements of the parties, Investigating Officer as noted above and from the report of Ahlmad, the report is submitted as follows: -

- 1. There are only six persons namely Rohit Kumar, Neeraj Kumar, Jai Chand, Derwinder Singh @ Khalsa, Ramesh Kumar @ Laddi (i.e. petitioners before Hon'ble Punjab and Haryana High Court) and Amandeep Singh @ Aman Walia (i.e. respondent No.5 before Hon'ble Punjab and Haryana High Court) arrayed as accused in the FIR and FIR also was registered against four (4) unknown persons;*
- 2. None of the accused is proclaimed offender nor any P.O. proceedings are pending against any of the accused before this Court;*
- 3. The compromise appears to be genuine, voluntary and without any coercion or undue influence.*
- 4. The accused persons are not involved in any other FIR;*
- 5. As per statement of Investigating Officer, present FIR was lodged on the basis of statement of complainant Gurvinder Singh and besides complainant Gurvinder Singh, there are two more affected persons in the FIR namely Inderjit Singh and*

Sukhwinder Singh i.e. father and brother of complainant who have been arrayed as respondents No.2 to 4 before Hon'ble Punjab and Haryana High Court in petition bearing CRM-M-650 of 2022. Further that the challan in the present case was presented against accused Amandeep Singh @ Aman (i.e. respondent No.5 before Hon'ble Punjab and Haryana High Court), Rohit Kumar, Darwinder Singh @ Khalsa, Ramesh Kumar @ Laddi (i.e. petitioners No.1, 4 and 5. before Hon'ble Punjab and Haryana High Court), however accused/petitioners No.2 and 3 namely Neeraj Kumar and Jai Chand were declared innocent as per statement of Investigating Officer as noted above and their names were kept in column No.2 of challan and further that none of the accused in the present case has been declared proclaimed person/offender and as per record, the aforesaid accused persons are not involved as accused in any other offence/criminal case.

8. *Report is submitted please.*

Yours faithfully,

*Raj Karan, PCS,
Judicial Magistrate Ist Class,
Sri Anandpur Sahib
UID No. PB00414”*

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 there genuine, voluntary and without any coercion or undue influence.

It would be also relevant to mention that the compromise dated 29.11.2021 (Annexure P-3), which has been annexed in the present petition, would show that the parties had entered into the compromise

with respect to both DDR and FIR and had stated that they would be bound to get the FIR and cross-case/DDR quashed.

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 petitioners and the complainants. 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 cross-case bearing DDR No.32 dated 20.03.2017, registered under Sections 323, 324, 506, 148 and 149 IPC, at Police Station Anandpur Sahib, District Rupnagar in FIR No.28 dated 17.03.2017 registered at Police Station Anandpur Sahib, District Rupnagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

February 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No