

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(239)

CRM-M-650-2022

Date of decision: - 07.02.2022

Rohit Kumar and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amandeep Saini, Advocate,
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Ranbir Singh Sekhon, Advocate
for respondent Nos.2 to 5.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. 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 (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 29.11.2021 (Annexure P-3).

On 10.01.2022, 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.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 (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 29.11.2021 (Annexure P-3).

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

Notice of motion for 07.02.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

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.”*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Sri Anandpur Sahib to the Registrar of this Court. 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.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent Nos.2 to 5 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 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 (Annexure P-1) 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?	Yes
Whether reportable?	No