

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49791-2022

Date of decision : 01.12.2022

Pardeep Singh @ Pardeep Singh Sandhu

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ravinder Pankaj, Advocate
for the petitioner.

Mr.Iqbal S.Mann, DAG, Punjab.

Ms.Sukhveer Kaur, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is the petition under Section 482 Cr.P.C. praying for quashing of FIR No.56 dated 04.03.2010, registered under Sections 420, 494, 380 and 120-B IPC, at Police Station Payal, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise.

On 29.10.2022, this Court was pleased to pass the following order:-

“CRM-40573-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CRM-M-49791-2022

This is the petition under Section 482 Cr.P.C. praying for quashing of FIR No.56 dated 04.03.2010, registered under Sections 420, 494, 380 and 120-B IPC, at Police Station Payal, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 have jointly submitted that there are two accused persons in the present case and co-accused Mandeep Kaur had already filed a petition under Section 482 Cr.P.C. for quashing of FIR, which was allowed by a Co-ordinate Bench of this Court, vide order dated 15.11.2018 passed in CRM-M-40748-2018 and the present petitioner is the only accused left in the present case.

Notice of motion for 01.12.2022.

On the asking of the Court, Mr. Ramdeep Partap Singh, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Ms. Sukhveer Kaur, Advocate, appears and accepts notice on behalf of respondent No.2 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 one month.

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.*

October 29, 2022 ”

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

- “1. Perusal of record reveals that FIR was filed against Mandeep Kaur, Rupinder Kaur, Sandeep Kaur, Jagdeep Singh, Manjit Kaur and Satnam Singh but accused Rupinder Kaur, Sandeep Kaur, Jagdeep Singh, Manjit Kaur and Satnam Singh were declared innocent during the inquiry. Thereafter on application of complainant Pardeep Singh was nominated as accused and charge sheet was filed against accused Pardeep Singh and Mandeep Kaur. The FIR against Mandeep Kaur has already been quashed in separate CRM by Hon'ble Punjab and Haryana High Court. At present there is only one accused namely Pardeep Singh @ Pardeep Singh Sandhu in the present case.*
- 2. It is further submitted that none of the accused is declared as proclaimed offender in the present case.*
- 3. It is further submitted that from the perusal of the statements of the parties it appears that the compromise effected between the parties is genuine, voluntary, without any coercion or undue influence and out of free will of the parties.*
- 4. It is further submitted that the accused persons are not involved in any other FIR.*
- 5. It is further submitted that there is only one complainant/ victim namely Narinder Singh in the present FIR.”*

A perusal of the above said report would show that the petitioner and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

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 two parties.

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 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 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.”

In view of what has been discussed hereinabove, this petition is

allowed and FIR No.56 dated 04.03.2010, registered under Sections 420,

494, 380 and 120-B IPC, at Police Station Payal, District Ludhiana and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

December 01, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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