

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54586-2021

Date of decision : 17.02.2022

Taranbir Singh @ Tarunveer Singh Ahluwalia

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rohan Mittal, Advocate
for the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

None for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR No.251 dated 24.11.2014 registered under Sections 307, 382, 332, 333, 353, 186, 323, 148 and 149 IPC at Police Station Kotwali, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise.

On 05.01.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.251 dated 24.11.2014 (Annexure P-1) registered under Sections 307, 382, 332, 333, 353, 186, 323, 148 and 149 IPC at Police Station Kotwali, District Patiala and all other consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted

that in the present case, no charge under Section 307 IPC was framed as is apparent from the order dated 13.07.2015 (Annexure P-2). It is further submitted that the complainant has appeared as PW-1 and in his statement, he has specifically stated that he does not identify the petitioner as being one of the person who was present at the time of occurrence. It is further submitted that the matter has been compromised between the petitioner and respondent no.2 and thus, seeks quashing of the present FIR on the basis of partial compromise.

*Learned counsel for the petitioner has relied upon the judgment dated 04.07.2019 passed by a coordinate Bench of this Court in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh** and others, and the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012 (12) SCC 401**, in which cases, the Co-ordinate Bench of this Court and the Hon'ble Supreme Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.*

Notice of motion.

On the asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of respondent no.1. Ms.Ritu Nichani, Advocate, appears 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 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.*

Adjourned to 27.01.2022.”

A perusal of the aforesaid order dated 05.01.2022 would show that it had been pointed out by learned counsel for the petitioner that no charge under Section 307 IPC was framed as is apparent from the order dated 13.07.2015 (Annexure P-2).

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

“Hence, in view of above statements point wise report submitted as under:-

1. *As per statement of complainant Pavitar Singh, FIR was registered against accused Taranbir Singh @ Tarunveer Singh Ahluwalia and eight others.*
2. *As per statement of Accused Taranbir Singh @ Tarunveer Singh and ASI Ajaib Singh, No.1619/PTA Posted at PS Kotwali, Patiala, accused is not proclaimed offender in this case.*
3. *In view of the statements of the parties i.e. complainant and accused, it is found that compromise arrived at between the parties is genuine, voluntary and a result of their own free will without any pressure, coercion or undue influence from any quarter. The compromise has been arrived at with an aim to put an*

end to the ensuing rivalry between the parties.

4. In view of the statements of accused Taranbir Singh @ Tarunveer Singh Ahluwalia and ASI Ajaib Singh No.1619/PTA. accused is not involved in any other case/FIR.

5. Statement of Investigating Officer ASI Ajaib Singh No. 1619/PTA has been recorded on 10.01.2022, who stated that there is only one one complainant/victim namely Pavitar Singh in the present case.

Report is submitted for your honour's kind perusal.

Yours faithfully,

*(Amit Malhan) PCS,
Chief Judicial Magistrate,
Patiala (Punjab).
UID No.PBO250) ”*

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, voluntary and out of free will.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.251 dated 24.11.2014 registered under Sections 307,

District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

February 17, 2022.
Davinder Kumar

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