

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49844-2022

Date of decision : 01.12.2022

Sandeep Singh alias Soni and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Bhupinder Kaur Bhangu, Advocate
for the petitioners.

Mr.Iqbal S.Mann, DAG, Punjab.

Ms.Jyoti Chahal, Advocate for
Ms.Gagandeep Kaur, Advocate
for respondents no.2 to 4.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.27 dated 20.03.2022 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station City Dhuri, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise.

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

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.27 dated 20.03.2022 registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station City Dhuri, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 01.12.2022.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Jyoti Chahal, Advocate for Ms. Gagandeep Kaur, Advocate appears on behalf of respondent Nos.2 to 4.

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.*

29.10.2022 ”

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

“Further Illaqa Magistrate is to submit a report containing the following information:-

(1) Number of persons arrayed as accused?

As per the statement of IO ASI Sukhjinder Singh No. 1937/Sgr, there are total seven accused persons namely Sandeep Singh @ Soni, Ram Singh, Balveer Kaur, Gagandeep Kaur, Jaswant Singh, Darshan Singh, Kamaljit Singh @ Vicky in the present FIR.

(2) Whether any accused is a proclaimed offender?

As per the statement of IO ASI Sukhjinder Singh No. 1937/Sgr. PS City Dhuri, none of the accused in the present FIR have been declared as proclaimed offender by any Court.

(3) Whether the compromise is genuine, voluntarily and without any coercion or undue influence?

From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.

(4) Whether the accused persons are involved in any other FIR or not?

As per the statement of accused persons, no other complaint is pending between the present parties in any other Court of law nor they are involved as accused in any other FIR or criminal trial nor any investigation or Inquiry is pending against them. As per the statement of 10 ASI Sukhjinder Singh, no other FIR is pending against the accused persons.

(5) The Trial Court is also directed to record the statement of the Investigating Officer as to how may victims/complainants are in the present FIR?

As per the statement of 10 ASI Sukhjinder Singh, the FIR was registered on the statement of Balvir Singh son of Mukhtiar Singh resident of Dohla Darwaja Dhuri Pind. He further stated that there are total three complainant/victims in this present case namely Balvir Singh, Nirbhai Singh and Amrinder Singh. He further stated that there is no other complaint/victims apart from above said victims/complainants.”

A perusal of the above said report would show that the petitioners and respondent no.2 to 4 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 petitioners has further submitted that the petitioners were not declared proclaimed offender in the present case.

Learned counsel for respondent no.2 to 4 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

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioners 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.27 dated 20.03.2022 registered under Sections 323,

341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station City
Dhuri, District Sangrur and the subsequent proceedings emanating
therefrom are ordered to be quashed, qua the petitioners.

December 01, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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