

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-M-54521-2021
Decided on : 15.02.2022

Jagga and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Kamal Narula, Advocate
for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Naveen Sharma, Advocate for
Mr. Munish Gulati, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 43 dated 05.03.2019 under Sections 452, 324, 323, 506, 148
and 149 of the Indian Penal Code, 1860 registered at Police Station City
Ferozepur (Annexure P-1) and all subsequent proceedings arising
therefrom on the basis of the compromise.

When the matter came up before this Court on 05.01.2022,
the following order was passed:-

*“This is a petition under Section 482 Cr.P.C. praying for
quashing of FIR No.43 dated 05.03.2019 (Annexure P-1)
registered under Sections 452, 324, 323, 506, 148, 149 IPC at
Police Station City Ferozepur and all other consequential
proceedings arising therefrom on the basis of compromise deed*

dated 03.12.2021 (Annexure P-2).

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

Notice of motion.

On the asking of the Court, Mr. Sarabjit Singh Cheema, AAG Punjab, accepts notice on behalf of respondent no.1. Mr.Munish Gulati, 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:-

- 6. Number of persons arrayed as accused.*
- 7. Whether any accused is proclaimed offender?*
- 8. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 9. Whether the accused persons are involved in any other FIR or not?*
- 10. 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 25.01.2022.

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

“5. It is respect fully submitted that

- i. As per the statement of Investigating Officer ASI Roop Singh No.536/FZR P.S.City Ferozepur there*

are only 9 persons arrayed as accused in the present case.

ii. AS per the statement of Investigating officer ASI Roop Singh No.5 36/FZR P.S.City Ferozepur, no person is proclaimed on under Section 82 Cr.P.C. in this case.

iii. Statements given by both the parties are voluntarily and without any coercion, undue influence and from the statement of the parties, the compromise seems to be genuine. Copies of statement are attached herewith for is Lordship's kind perusal.

xxx—xxx--xxx

v. As per the statement of Investigating Officer ASI Roop Singh No. 536/FZR P.S. City Ferozepur, there is only one victim/complainant in the present FIR.

Report is submitted or his Lordship's kind perusal.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure. It is further stated that the petitioners are involved in other cases also but however, this fact would not come in the way of quashing of the present FIR on the basis of compromise.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 43 dated 05.03.2019 under Sections 452, 324, 323, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

February 15th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No