

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50640-2022

Date of decision : 19.12.2022

Gurpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Pushpinder Kaushal, Advocate
for the petitioner.

Mr.Amit Shukla, AAG, Punjab.

Mr.G.S.Virk, 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.274 dated 25.11.2021, registered under Sections 420 and 120-B IPC, at Police Station City Tarn Taran, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise.

On 17.11.2022, 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.274 dated 25.11.2021, registered under Sections 420 and 120-B IPC, at Police Station City Tarn Taran, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, there are four accused persons, out of which, one

accused person i.e. the present petitioner has filed the present petition for quashing of FIR on the basis of compromise and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012(12) SCC 401 to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Notice of motion for 19.12.2022.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Gagandeep Singh Virk, 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 four weeks from today.

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.*

November 17, 2022 ”

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

“Report of Ahlmad of the Court is called as per no paper pertaining to this FIR is pending before the Court or lying in his custody.

As per statement of investigating officer IO ASI Nishan Singh no.837/TT and parties, FIR no.274 dt. 25.11.2021 u/s 420, 120-B of IPC was registered at PS City Tarn Taran on the

complaint of complainant Manohar Singh s/o Gurbachan Singh to Amandeep Avenue, Street no.2, 80 Feet Road, near Bus Stand. Tarn Taran against accused Gurpreet Singh proprietor of M/S Radvision Consultant. SCO no.123, Top Floor, Phase no.7, S.A.S. Nagar, Mohali. Except complainant Manohar Singh, no other complainant or victim is involved in this FIR. Except accused Gurpreet Singh, no other accused is involved or nominated in this FIR. Except present FIR, accused Gurpreet Singh is not involved in any other FIR. Accused Gurpreet Singh never declared proclaimed offender in the present FIR. Investigation is still in progress and challan (Final report u/s 173 Cr.P.C.) is yet to be presented in the Court.

The parties suffered their statements voluntarily before the Court as they have compromised their dispute with the intervention of respectable of locality which seems to be genuine”

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. A further perusal of the report would show that there is only one complainant but it is mentioned that there is only one accused although it is the case of the parties that there are four accused. Be that as it may, in view of the judgment of the Hon’ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as ***2012 (12) SCC 401***, where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has further submitted that the petitioner 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.

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.274 dated 25.11.2021, registered under Sections 420 and 120-B IPC, at Police Station City Tarn Taran, District Tarn Taran and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

December 19, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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