

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54513-2021

Date of decision : 17.02.2022

Iqbal Singh @ Bali and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Manpreet Singh Longia, Advocate
for the petitioners.

Mr.Karanbir Singh, AAG, Punjab.

Ms.Rajwinder Kaur, Advocate
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.13 dated 18.02.2021 registered under Sections 323, 324, 384, 506, 34 IPC (Sections 384 IPC deleted and Sections 385 and 201 IPC added later on) at Police Station Chamkaur Sahib, Tehsil and District Roopnagar, Punjab 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 filed under Section 482 of Cr.P.C. for quashing of FIR No.13 dated 18.02.2021 registered under Sections 323, 324, 384, 506, 34 of the Indian Penal Code, 1860 (Section 384 of IPC has been deleted later on and Sections 385 and 201 of IPC have

been added later on) at Police Station Chamkaur Sahib, Tehsil and District Roopnagar, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

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

Notice of motion for 27.01.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Ms. Rajwinder Kaur, Advocate appears on behalf of respondent No.2.

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.”*

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

“On the basis of above statements, the point wise report is as under:

- 1. There are two accused namely Manjit Singh son of Randhir Singh and Iqbal Singh @ Bali son of Jasvir*

Singh arrayed in the present FIR.

2. *As per statement of Investigating Officer ASI Dharam Pal, No. 119/R and as per zimni orders of this file, none of the accused has been declared as proclaimed offender in the present case.*

3. *From the statement of complainant as well as accused Manjit Singh, Iqbal Singh and written compromise Mark A, compromise seems to be genuine, voluntary and out of the free will of the parties.*

4. *As per statement of ASI Dharam Pal, four FIRs were lodged against accused Iqbal Singh as mentioned-above. No other FIR pending against the accused Manjit Singh son of Randhir Singh except present FIR*

5. *As per statement of Investigating Officer, there is only one complainant/victim namely Mohinder Singh in the present FIR*

The report is, hereby, submitted please.

Yours faithfully,

*(Dazy Bangarh, PCS)
Judicial Magistrate 1" Class,
Rupnagar.*

Encls:

1. *Copy of Compromise Mark A.*
2. *Original statements of the parties along with copies of Aadhar Cards.*
3. *Original statement of Investigating Officer. "*

A perusal of the above said report would show that the petitioners and respondent no.2 have appeared and have suffered statements with respect to the compromise, which has been found to be voluntary, genuine, voluntary and out of free will. It has been mentioned in the report that there are four more cases against petitioner Iqbal Singh. However, the same would not come in the way of quashing of present petition as the compromise has been found to be genuine, voluntary and out of free will.

Learned counsel for the petitioners has submitted that the petitioners were 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.

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 learned 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 feel that the same was 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.13 dated 18.02.2021 registered under Sections 323, 324, 384, 506, 34 IPC (Sections 384 IPC deleted and Sections 385 and 201 IPC added later on) at Police Station Chamkaur Sahib, Tehsil and District Roopnagar, Punjab and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

February 17, 2022.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No