

292-A

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-53928-2022

Date of decision : 05.12.2022

Prabhjeet Singh @ Prabhjot Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arnav Udai Singh, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Fateh Singh Bhullar, Advocate for respondent Nos.2 to 5.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 482 Cr.P.C. for quashing of FIR No.85 dated 19.06.2019 registered under Sections 307, 323, 452, 506, 148, 149 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sirhali, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.11.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.85 dated 19.06.2019 registered under Sections 307, 323, 452, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, at

Police Station Sirhali, District Tarn Taran 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 05.12.2022.

To be heard along with CRM-M-39578-2022.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Fateh Singh Bhullar, Advocate, appears and accepts notice on behalf of respondent Nos.2 to 5 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 10 days 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.*

To be heard along with CRM-M-39578-2022.”

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

“1. As per the statement of IO ASI Gurpreet singh 1972/TT,

there are 2 persons arrayed as accused petition.

2. *As per the statement of 10 ASI Gurpreet singh 1072/TT, no accused was declared Proclaimed offender in this case.*

3. *As per the statements of both the parties and IO ASI Gurpreet singh 1072/TT, the compromise to the petition is genuine, voluntarily and out of free will.*

4. *As per the statement of 10 ASI Gurpreet singh 1072/TT, none of the accused persons are involved in any other FIR.*

5. *As per the statement of IO ASI Gurpreet singh 1072/TT, there are four victims/complainants in this FIR and complainant Gurdev Singh S/o Banta Singh was died on 27.08.2022.”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent Nos.2 to 5 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.

Learned counsel for the petitioners and respondent Nos.2 to 5

have jointly submitted that the petitioners had earlier filed petition bearing No.CRM-M-39544-2022, in which, on the basis of reply of the State in the order dated 10.11.2022, it had been stated that no injury suffered by the complainant or aggrieved person has been declared to be dangerous to life and that offence under Section 307 of IPC was not prima facie made out. The said order has been annexed as Annexure P-2 with the petition. It is further submitted that the petitioners had to withdraw the said case since respondent No.2 had died and his legal representatives had to be impleaded and the present petition has been filed after impleading all the legal representatives and the necessary 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 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**”, reported as **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**”, reported as **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.85 dated 19.06.2019 registered under Sections 307, 323, 452, 506, 148, 149 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sirhali, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

05.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**