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

CRM-M-53465-2022

Date of decision : 09.12.2022

Amanjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Manoj K. Sharma, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.107 dated 22.06.2019, registered under Sections 341, 323, 148 and 149 of Indian Penal Code, 1860 (Annexure P-1), at Police Station Bhogpur, District Jalandhar Rural, as well as the impugned order dated 07.12.2021 (Annexure P-7) passed by the trial Court, whereby the petitioner has been declared as a proclaimed offender and all other consequential proceedings arising therefrom on the basis of compromise.

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

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.107 dated 22.06.2019, registered under Sections 341, 323, 148 and 149 IPC (Annexure P-1), at Police Station Bhogpur, District Jalandhar Rural, as well as

the impugned order dated 07.12.2021 (Annexure P-7) passed by the trial Court, whereby the petitioner has been declared as a proclaimed offender and all other consequential proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 09.12.2022.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Manoj K. Sharma, Advocate, appears and accepts notice on behalf of respondent No.2 and admits the factum of compromise.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 have jointly submitted that in all there are three accused persons in the present case, out of which, two accused persons had earlier filed a petition bearing CRM-M-29858-2022 under Section 482 Cr.P.C. for quashing of present FIR on the basis of compromise, which was allowed vide order dated 23.08.2022. It is further submitted that the present petition has been filed by the third accused person.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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.

Till the next date of hearing, the operation of impugned order dated 07.12.2021 (Annexure P-7) shall remain stayed.”

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

“1. That the three accused namely Dilpreet Singh, Manjot Singh and Amanjit Singh had been arrayed as accused in the present FIR.

2. As per record, accused Amanjit Singh has been declared as Proclaimed offender vide order dated 07.12.2021.

3. That in view of the above statements of the complainant and the accused, I am of the opinion that the compromise is genuine. voluntary and has been arrived at between the parties present out of their free will.

4. That as per the statement of accused Amanjit Singh and the investigating officer, no other FIR is registered against the accused Amanjit Singh.

5. That as per the statement of Investigating officer, there is only one complainant/Victim namely Navdeep Singh in this FIR.”

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 petitioner has submitted that no other FIR is registered against the present petitioner. Learned counsel for the State, as per

instructions has stated that the said fact is correct.

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.

Learned counsel for the petitioner and respondent No.2 have reiterated that there were three accused persons, out of which, petition for two accused persons has already been allowed by this Court vide order dated 23.08.2022 and the present petitioner was the only accused left.

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**”, 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.107 dated 22.06.2019, registered under Sections 341, 323, 148 and 149 of Indian Penal Code, 1860 (Annexure P-1), at Police Station Bhogpur, District Jalandhar Rural and all the subsequent proceedings arising therefrom as well as the impugned order dated 07.12.2021 (Annexure P-7) passed by the trial Court, on the basis of compromise, are ordered to be quashed/set aside, qua the petitioner.

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

09.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No