

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-56603-2022
Decided on : 22.12.2022

Baldev Singh @ Deba and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Varinder Kaur Waraich, Advocate
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 116 dated 30.11.2015 under Sections 323, 324, 452, 148 and 149 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 06.12.2022, 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.116 dated 30.11.2015, registered under Sections 323, 324, 452, 148 and 149 IPC (Section 326 IPC has been added later on), at Police Station Majitha, District Amritsar Rural and all other consequential 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 22.12.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 12 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. ”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Amritsar to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“5) The report is as under:-

- i) As per the statement of the IO, there are three accused persons i.e. the present petitioners in the present case.*
- ii) As per the statement of the IO, none of the accused has been declared as proclaimed offender.*
- iii) After perusing the statements of the parties, this Court is satisfied that the compromise is genuine, voluntary and*

out of free will of the parties.

xxx—xxx--xxx

(v) As per the statement of the 10, there is only one complainant namely Baldev Raj/respondent No. 2 in the present case.

Hence, the report is submitted.”

Although, a perusal of the above report would show that as per the said report, there is only one complainant but a perusal of the statement annexed with the said report would show that the statement of complainant Baldev Raj and Sunil Kumar @ Rinku, respondents No. 2 and 3, respectively have been recorded in support of the said compromise and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant(s)/victim(s) have been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has further 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 the abovesaid fact is correct.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainants and the present FIR having been compromised deserves to be quashed. 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. 116 dated 30.11.2015 under Sections 323, 324, 452, 148 and 149 of the Indian Penal Code,1860 (Section 326 IPC added later on) registered at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

22.12.2022

Mehak

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(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No