

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(245)

CRM-M-47718-2019

Date of decision: - 14.10.2022

Jagjit Singh @ Jeet Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gauravjit Singh, Advocate
for the petitioners.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. Raj Partap Singh Brar, Advocate
for complainant/respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.63 dated 06.09.2016 under Sections 323, 324, 325, 326, 447 and 34 IPC registered at Police Station Sirhali, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise.

On 13.11.2019, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The present petition has been filed for quashing of FIR No. 63 dated 06.09.2016 registered under Sections 323, 324, 325, 326, 447 and 34 IPC at Police Station Sirhali, Tarn Taran, Punjab and all subsequent proceedings on the basis of compromise.

Notice of motion for 24.03.2020.

On asking of the Court, Mr. Harbir Sandhu, AAG, Punjab,

accepts notice on behalf of the State. Mr. Jugraaj Kapoor, Advocate accepts notice on behalf of the complainant- respondent No.2.

Learned counsel for the petitioners is directed to supply copies of the paper book to the opposite counsel during course of the day.

Let the parties now appear before the trial Court/Illaq Magistrate on 28.11.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties before the next date of hearing. It shall also be reported whether petitioner(s) have been declared Proclaimed Offender(s) in this case or not.

(RAJBIR SEHRAWAT)
JUDGE

13.11.2019”

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

“It is worthy to mention here that challan in his case has been presented against four accused namely Kunan Singh, Surjit Kaur, Jagjit Singh alias Jeet and Jasbir Kaur. But during trial accused Kunan Singh, Jagjit Singh and Jasbir Singh have suffered a joint statement that co-accused namely Surjit Kaur w/o Kunan Singh had been expired on 27.11.2018 and they have produced on record the photocopy of death certificate of accused Surjit Kaur wife of Kunan Singh and requested that the proceedings against accused Surjit Kaur be dropped being deceased. Further, complainant Ratha Singh and eye witness Amarjit Kaur have suffered a joint statement that accused Surjit Kaur had expired and death certificate is correct one. As such, in view of the statement of the parties as well as photocopy of death certificate proceeding qua accused Surjit Kaur has been abated vide

order dated 09.01.2019. It is further submitted that at the time of registration of FIR four accused namely Kunan Singh, Surjit Kaur, Jagjit Singh alias Jeet and Jasbir Kaur have been involved by the police in this FIR, out of them one accused namely Surjit Kaur has died (proceedings abated) and remaining three accused are on bail, as such no accused is declared as proclaimed offender/person in the said FIR.

In view of the above said statements of parties, it appears that the compromise between the complainant/respondent and petitioners/accused is genuine one and without any pressure or coercion.

This information is being submitted as desired please.”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this 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 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 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, this petition

is allowed and FIR No.63 dated 06.09.2016 under Sections 323, 324, 325, 326, 447 and 34 IPC registered at Police Station Sirhali, District Tarn Taran and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

October 14, 2022
S.Sharma(syr)

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No