

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48942-2019

Date of decision : 01.06.2022

Gurtej Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Iqbal Singh Mann, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.R.S.Dhaliwal, 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. 221 dated 29.08.2019 registered under Section 420 IPC at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of compromise.

On 28.11.2019, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner is seeking quashing of FIR No.221 dated 29.08.2019 under Section 420 of IPC, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib and subsequent proceedings arising therefrom, on the basis of compromise dated 13.11.2019 (Annexure P-3), which has been arrived at between the parties.

Learned counsel for the petitioner contends that the FIR is

outcome of a monetary dispute between the parties which has now been resolved and the matter has been compromised.

Issue notice to the respondents.

At the asking of the Court, Mr. N.K. Banka, DAG, Punjab accepts notice on behalf of respondent No.1.

Mr. R.S. Dhaliwal, Advocate has put in appearance on behalf of the complainant/respondent No.2 and states that the matter has indeed been compromised.

List on 12.12.2019.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 03.12.2019. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.

(ANUPINDER SINGH GREWAL)
JUDGE

28.11.2019.”

In pursuance to the said order, a report has been submitted by the Chief Judicial Magistrate, Sri Muktsar Sahib. The relevant portion of the said report is reproduced hereinbelow:-

“The undersigned has carefully gone through the statements got recorded by the complainant Balraj Singh and accused Gurtej Singh. Ex. Facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.

Hence this report. Photocopies of the statements are enclosed herewith for kind perusal.

Submitted please.

*Enclosures: Photo copies of the
Statement of the parties*

*Atul Kamboj PCS PB0262
Chief Judicial Magistrate
Sri Muktsar Sahib”*

A perusal of the above said report would show that the

petitioner and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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 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**”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no. 221 dated 29.08.2019 registered under Section 420 IPC at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

June 01, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No