

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57366-2022

Date of decision:21.12.2022

Rajbir Singh @ Nannu and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ruhani Chadha, Advocate for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Rahul Bhargava, Advocate for respondents No.2 & 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.73 dated 28.04.2022, registered under Sections 307, 364, 341, 148 and 149 IPC, at Police Station Bhargo Camp, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

On 09.12.2022, 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.73 dated 28.04.2022, registered under Sections 307, 364, 341, 148 and 149 IPC, at Police Station Bhargo Camp, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners as well as learned counsel for respondents No.2 and 3 have jointly submitted that

*in the present case, there is no injury, which has been declared as dangerous to life and thus, offence under Section 307 IPC is not attracted and have further submitted that there are five accused persons, out of which, two accused persons i.e. the present petitioners have filed the present petition for quashing of FIR on the basis of compromise and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.*

Notice of motion for 21.12.2022.

On the asking of the Court, Mr. Ramdeep Partap Singh, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Rahul Bhargava, Advocate, appears and accepts notice on behalf of respondents No.2 & 3 and admits the factum of compromise.

Learned State counsel is directed to verify as to whether any injuries have been declared to be dangerous to life.

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.*

09.12.2022
(VIKAS BAHL)
JUDGE”

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

- “i. That the FIR has been registered against six accused namely Rajbir Singh, Sukhman, Saify, Kaka, Simranjit @ Pappu and RK Nahar. The FIR is also registered against three unknown individuals.*

- ii. *That the police challan has been filed against accused Rajbir Singh and Simranjit Singh @ Pappu.*
- iii. *That as per the statement of the Investigating Officer, the investigation pertaining to remaining accused is pending and the particulars of the unknown individuals involved in the present case is not traced till date.*
- iv. *That as per the statement of the Investigating Officer, the accused Rajbir and Simranjit have not been declared as proclaimed offenders.*
- v. *That there are two victims/complainants in the present case. The FIR is registered on the complaint of Mohammad Danish, Vishal son of Akbar was allegedly injured in the present occurrence.*
- vi. xxx xxx
- vii. *That as per the statement of the parties, the compromise is genuine, voluntary, without any undue influence, threat or coercion and out of free will of the parties.”*

A perusal of the above said report would show that the petitioners, respondents No.2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case.

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

Learned counsel for respondents No.2 and 3 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 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 plentitude 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.73 dated 28.04.2022, registered under Sections 307, 364, 341, 148 and 149 IPC, at Police Station Bhargo Camp, District

Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

21.12.2022

Ishwar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No