

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57557-2022

Date of decision : 21.12.2022

Damanjeet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Salim Malik, Advocate
for the petitioner.

Mr.Amit Shukla, AAG, Punjab.

Mr.Vishal Khatri, Advocate for
Mr.Ravi Kant, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is the petition under Section 482 Cr.P.C. praying for quashing of FIR No.25 dated 13.02.2015 registered under Sections 341, 307, 323, 148, 149 IPC at Police Station Mataur, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of compromise.

On 12.12.2022, 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.25 dated 13.02.2015 registered under Sections 341, 307, 323, 148, 149 IPC at Police Station Mataur, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of compromise.

Notice of motion for 21.12.2022.

On the asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab, accepts notice on behalf of respondent no.1. Mr.Ravi Kant, Advocate, appears on behalf of complainant-respondent no.2 and admits the factum of compromise.

*Learned counsel for the petitioner as well as respondent no.2 have submitted that there were three accused persons in the present case and two of the accused persons had filed separate quashing petitions and both the said petitions have been allowed vide orders Annexures P-5 and P-6 and the FIR was quashed qua them on the basis of compromise and the present petitioner is the third accused person who has now compromised the matter with the complainant. Reliance has been placed upon the judgment of the Hon'ble Supreme Court titled as **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.*

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 7 days.

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.*

December 12, 2022.”

In pursuance to the said order, a report has been submitted by the District & Sessions Judge, SAS Nagar, Mohali. The relevant portion of the said report is reproduced hereinbelow:-

“1. In the present FIR No. 25 dated 13.02.2015 under Sections 341, 307, 323, 148, 149 of IPC registered at P.S. Mattaur District

SAS Nagar (Mohali) at the instance of complainant Dev Singh, three persons namely Karanjot Singh, Damanjeet Singh and Harsimran Singh were nominated as accused in this case during the investigation.

2. No accused is proclaimed offender in this case.

3. From the statements of the parties, which are counter signed by their respective counsel, this Court is satisfied that the compromise effected between them, is genuine, voluntary and without any coercion or undue influence.

4. As per statement of the Investigating Officer recorded in this case, no other FIR has been registered against accused Damanjeet Singh.

5. As per statement of the Investigating Officer, there is only one complainant/victim in this case namely Dev Singh.”

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 counsel for the petitioner and respondent no.2 have jointly submitted that in the present case, five injuries have been suffered, out of which four are reddish abrasions and one is a swelling and all the injuries are on non-vital parts of the body and all the injuries are stated to be simple, and the weapon used is blunt and it is thus, submitted that at best, the offence under Section 323 IPC is made out and Section 307 IPC is not made out.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender 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 petitioner.

Learned counsel for respondent no.2 has again reiterated that

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.25 dated 13.02.2015 registered under Sections 341, 307, 323, 148, 149 IPC at Police Station Mataur, District SAS Nagar and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

December 21, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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