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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-51573-2019

Date of decision : 18.04.2022

Kulwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ritesh Aggarwal, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Piyush Khanna, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.91 dated 27.11.2015 registered under Section 380 of the Indian Penal Code, 1860 at Police Station Bhadson, District Patiala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Mr. Piyush Khanna, Advocate has filed vakalatnama on behalf of respondent No.2. Same is taken on record. Be tagged at appropriate place.

Petitioners are directed to deposit Rs.20,000/- as a precondition for recording the statements, out of which Rs.10,000/- shall be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical

Education and Research (PGIMER), Chandigarh and and Rs.10,000/- with the Welfare Centre for Persons with Speech and Hearing impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, Bank Account No.000434003000357, the Gurgaon Central Co-operative Bank Ltd. or Bank, Account No.1245010000518, United Bank of India. Thereafter, parties shall appear before the concerned trial Court/Illaq Magistrate after having the receipt of amount of Rs.20,000/- as above, who shall record their statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.

Adjourned to 30.03.2020, for consideration.

Original receipts qua deposit of above costs be produced in this Court on the next date of hearing.

To be shown in the urgent list.

Sd/- (RAMENDRA JAIN)

JUDGE

17.02.2020 ”

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

“3. From the aforesaid statements of the affected parties, it apparently appears that the parties have voluntarily, without any pressure or coercion, entered into the compromise between themselves and have settled the matter amicably and said compromise appears to be genuine.

4. It is pertinent to mention here that they had placed on record receipt of State Bank of India regarding deposit Rs. 20,000/- as a pre condition for recording the statements, out of which Rs. 10,000/- shall be deposited with the Poor

Patients Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and Rs.10,000/- with the Welfare Centre for Persons with Speech and Hearing impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, Bank Account No. 000434003000357, the Gurgaon Central Co-operative Bank Ltd. or Bank, Account No. 1245010000515, United Bank of India.

5. *It is further pertinent to mention here that as per the statement of both the parties no other complainant or affected party and except Jang Singh, Ranjit Singh and Kulwinder Singh no other person arrayed as accused in the present FIR No.91 dated 27.11.2015 under Section 380 and 201 of IPC of Police Station Bhadson.*

6. *Hence I am sending my aforesaid report as per the directions of Hon'ble Punjab & Haryana High Court. Copies of the statements of the aforesaid persons and copy of the order dated 17. of Hon'ble Punjab & Haryana High Court Chandigarh, copies of receipts are also annexed herewith for kind perusal.*

Thanking you,

Yours faithfully,

Yours faithfully

Sd/-Satwinderjit Kaur, PCS

Judicial Magistrate 1st Class,

Nabha/09.03.2020

(PB 0510)''

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been

compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are 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 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**”, reported as **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**”, reported as **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.91 dated 27.11.2015 registered under Section 380 of the Indian Penal Code, 1860 at Police Station Bhadson, District Patiala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

18.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No