

295

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

CRM-M-52056-2019

Date of decision : 16.11.2022

Amarjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohit Thakur, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Vivek K. Thakur, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of DDR No.33 dated 01.03.2019 registered under Sections 323, 325, 148, 149 of the Indian Penal Code, 1860 in FIR No.29 dated 28.02.2019 registered under Sections 323, 324, 341, 506, 34 of IPC at Police Station Shahkot, District Jalandhar Rural and all the subsequent proceedings arising therefrom on the basis of compromise.

On 10.11.2021, this Court had passed the following order:-

“This is an application filed under Section 482 of Cr.P.C. for permitting the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded on account of the fact that the compromise dated 21.11.2019 has been effected between the parties.

Notice in the application.

On advance notice, Mr. N.K. Banka, DAG, Punjab,

appears on behalf of respondent No.1-State and Mr. Vivek K. Thakur, Advocate appears on behalf of respondent Nos.2 and 3 and have stated that the matter has been compromised and the parties would appear before the trial Court/Illaq Magistrate to get their statements recorded.

For the reasons stated in the application, the application is disposed of with the direction to the parties to appear before the Illaq Magistrate/trial Court for recording their statements qua compromise on or before 17.01.2022, the date fixed in the main case.

The Illaq 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.”*

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

“As per the statements so recorded by both sides, most humbly it is submitted that it can be deduced that the compromise between parties is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. It is further submitted that as per statement of IO there are nine accused persons namely Amarjit Singh,

Rajinder Kumar, (through attorney namely Harjinder Singh), Sukhjit Kaur, Jaswinder Kaur, Harjinder Singh @ Harwinder Singh, Dalvir Singh, Binder, Narinder Kaur and Daljit Kaur in the present DDR. None of the accused in the present FIR has been declared proclaimed offender and none of the accused persons are involved in any other FIR. He also stated that there were two injured/victims namely Kamaljit Kaur and Davinder Singh and there was one complainant namely Davinder Singh in the present DDR. They have been identified by their counsel and their id proofs with photographs were taken on the file.”

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.

A perusal of the abovesaid report would also show that there are nine accused persons whereas the present petition has been filed by the eight accused persons i.e. the present petitioners 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.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent Nos.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**”, 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 DDR No.33 dated 01.03.2019 registered under Sections 323, 325, 148, 149 of the Indian Penal Code, 1860 in FIR No.29 dated 28.02.2019 registered under Sections 323, 324, 341, 506, 34 of IPC at Police Station Shahkot, District Jalandhar Rural 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.

16.11.2022

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No