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

CRM-M-52682-2019

Date of decision : 30.03.2022

Jaswant Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sherry K. Singla, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Mahipal S. Yadav, 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.235 dated 03.12.2002 registered under Sections 325, 341, 34 of the Indian Penal Code, 1860 at Police Station Payal, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 10.12.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner prays for quashing of FIR No. 235 dated 03.12.2002 registered under Sections 325, 341, 34 IPC at Police Station Payal, District Ludhiana on the basis of compromise dated 02.12.2019 (Annexure P-3).

Notice of motion.

Mr. Amandeep S. Gill, Sr. DAG Punjab, accepts notice on behalf of the respondent-State. Let two copies of the petition be supplied to him during the course of the day.

Mr. Mahipal S. Yadav, Advocate puts in appearance on behalf of respondent No.2.

The parties are directed to appear before the trial Court/Illaqa Magistrate on 20.01.2020 and get their statements recorded. A report be sent to this Court on or before the next date of hearing.

Adjourned to 03.03.2020.

Sd/-(SUDHIR MITTAL)

JUDGE

December 10, 2019 ”

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

“Respected Sir,

In compliance of the order dated 10.12.2019 passed by the Hon'ble High Court in CRM-M-52682-2019, I have the honour to submit that the statement of complainant namely Gurmeet Kaur wife of Sh. Kamaljeet Singh and accused namely Jaswant Singh son of Amarjit Singh have been recorded with regard to compromise. From the statements as recorded in the Court, I am satisfied that the compromise is genuine and is made voluntarily and without any undue influence or pressure.

Photocopies of the statements of the parties are attached herewith.

Report is submitted, please.

Yours faithfully

Sd/- (Neeraj Kumar Singla)

Sub Divisional Judicial Magistrate

Payal.”

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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and there are no other cases pending against the petitioner. 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 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**”, 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.235 dated 03.12.2002 registered under Sections 325, 341, 34 of the Indian Penal Code, 1860 at Police Station Payal, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

30.03.2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No