

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M-53487-2019
Decided on : 26.05.2022

Boota Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Anmol, Advocate for
Mr. K. S. Brar, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rajat Dogra, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 119 dated 06.11.2019 under Sections 324, 323, 148 and 149 of
the Indian Penal Code, 1860 registered at Police Station Sadar Abohar,
District Fazilka (Annexure P-1) and all subsequent proceedings arising
on the basis of the compromise.

On 08.04.2022, this Court was pleased to pass the
following order:-

“CRM-12771-2022

*This is an application filed under Section 482 of
Cr.P.C. for preponement of the date of hearing in the*

main case which is now stated to be listed for 28.09.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that although, statement of all the parties have been recorded but Rashpal Singh (respondent No.3) could not get his statement recorded.

Notice in the application.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Karan Monga, Advocate for Mr. Rajat Dogra, Advocate appears on behalf of non-applicant/respondent Nos.2 to 4 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 28.09.2022 to today.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 28.09.2022 to today and the same is taken on Board today itself.

Main case

Learned counsel for the parties has submitted that although, statement of all the parties have been recorded but Rashpal Singh could not get his statement recorded and thus, pray that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 26.05.2022.

Both the parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one month 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.”*

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class, Abohar to the Deputy Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“6. In compliance to the aforesaid order dated 08.04.2022 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point wise report of undersigned is as follows:

- i. It is submitted that the present **FIR was registered against three persons** namely Boota Singh son of Karam Singh, Dilsher Singh son of Boota Singh and Harsangeet Singh son of Boota Singh all residents of village Jodhpur, Tehsil Abohar, District Fazilka.*
- ii. It is further submitted that as per the statement of investigating officer, none of the accused has been declared proclaimed offender in the present FIR.*
- iii. In view of the statements got recorded by*

both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.

iv. It is further submitted that no other FIR except the present FIR has been registered against above named accused persons at P.S. Sadar, Abohar.

v. It is further submitted that there are two more injured namely Rachpal Singh son of Gurdev Singh and Jagnandan Singh son of Harbilas Singh, who received injuries during occurrence in the present FIR.

7. As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself.”

A perusal of the above report would show that the statements of Complainant and the injured persons as well as the petitioners have been recorded in the case and they 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 and the injured persons have been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 to 4 has reiterated the

factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 119 dated 06.11.2019 under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sadar Abohar, Distict Fazilka (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 26th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No