

In the High Court for the States of Punjab and Haryana at
Chandigarh

Date of Decision: November 20, 2023

1. CRM-M-2858-2023

Dalbir Singh @ Dalvir Singh @ Sodhi

... Petitioner

Versus

State of Punjab and another

...Respondents

2. CRM-M-38522-2017

Dalbir Singh @ Dalvir Singh @ Sodhi

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kamaljit Singh Dhillon, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

Mr. T.P.S. Bawa, Advocate,
for respondent no.2.

Vivek Puri, J.

1. In CRM-M-2858-2023, the petitioner is seeking to quash the FIR No. 30, dated 20.01.2010, under Sections 323, 324, 354, 356, 452, 447, 148, 149 and 325 of the Indian Penal Code (for short 'IPC'), registered at Police Station Maqsudan, District Jalandhar and all subsequent

proceedings arising therefrom, on the basis of compromise dated 05.11.2022 (Annexure P-2).

2. In CRM-M-38522-2017, the petitioner is seeking to quash the impugned order dated 11.09.2013 (Annexure P-10) vide which the petitioner has been declared as proclaimed offender.

3. Both the aforesaid matters have arisen out of one FIR and are being decided by a common judgment.

4. On 20.01.2023, the parties were directed to appear before the learned trial Court/Duty Magistrate to get the statements recorded and report was sought from the trial Court/Duty Magistrate with regard to the genuineness of the compromise.

5. At the first instance, the statement of the attorney of the complainant was recorded, who had acknowledged the fact of amicable settlement and compromise to be genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter. He had also stated that both the parties have no grudge or ill will against each other.

6. As the petitioner had not appeared to get the statement recorded being resident of Australia and unable to visit India for that purpose, he was permitted to get the statement recorded through Special Power of Attorney in terms of order dated 02.05.2023. Consequently, the

statement of the attorney of the petitioner was also recorded and the supplementary report has also been received from the trial Court. Even the attorney of the petitioner has acknowledged the fact of amicable settlement having been effected without any pressure, coercion, undue influence and inducement from any quarter. It has been further reported as following:-

“(i) As per statement of Baljit Kaur (power of attorney holder of accused Dalbir Singh alias Dalvir Singh alias Sodhi) apart from accused Dalbir Singh alias Dalvir Singh alias Sodhi, there are other accused persons namely Didar Singh, Jagir Singh, Tirath Singh, Mohinder Singh and Kulwant Singh who had already been acquitted vide judgment dated 28.10.2016 passed by the court of Shri Arun Shori, the then learned Judicial Magistrate Ist Class, Jalandhar and accused Vinod Kumar was proclaimed offender and accused Santokh Singh had died and proceedings against him were abated.

(ii) As per the statements of parties, Rajwinder Kaur is the only aggrieved person in the present case.

(iii) As per statements of parties, they are not involved in any other case.

(iv) As per statement of power of attorney holder of accused, accused Dalbir Singh alias Dalvir Singh alias Sodhi had been declared proclaimed offender in the present.”

7. Learned counsel for the petitioner contends that the FIR was registered on the allegations that the petitioner and the co-accused had committed house trespass, inflicted injuries and outraged the modesty of the complainant. Didar Singh, Jagir Singh, Tirath Singh, Mohinder Singh and Kulwant Singh, co-accused faced trial and have been acquitted in terms of the judgment dated 28.10.2016 passed by the Court of learned Judicial Magistrate First Class, Jalandhar. In fact, the petitioner was found innocent during the course of investigation and was summoned by the learned trial Court in terms of order dated 15.04.2011 passed on the application under Section 319 Cr.P.C. Thereafter, the petitioner has been declared as proclaimed offender on 11.09.2013 without following the procedure prescribed by law. In CRM-M-38522-2017, the petitioner had also challenged the order dated 15.04.2011 vide which he was summoned under Section 319 Cr.P.C., but in terms of order dated 12.11.2018, he had sought withdrawal of the said relief and the petition qua to that extent was dismissed. The co-accused of the petitioner have been acquitted and amicable settlement has been effected between the parties.

8. Learned counsel for the respondent no.2 has acknowledged the fact of compromise.

9. After hearing the learned counsel for the parties and going through the record of the case, this Court is of the

considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the private parties have arrived at a settlement, out of court, by way of compromise (Annexure P-2). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

10. The controversy in the instant case does not indicate that the same involves heinous or serious offences. Consequently, a deserving case is made out where the Court should exercise the power to secure the ends of justice. With the amicable settlement effected between the parties, the chances of conviction of the petitioner are remote and minimal. Although the petitioner has been declared as proclaimed offender, but keeping in view the fact that an amicable settlement has been effected, the entire subsequent proceedings should come to an end by exercising inherent powers of this Court in order to secure the ends of justice. In such a situation, the continuation of prosecution would result in sheer abuse of process of law.

11. A co-ordinate bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on **29.01.2019** has held as under:-

“Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.”

12. Learned counsel for the petitioner and respondent no.2 are *ad idem* that the dispute has been amicably settled between the parties.

13. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

14. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 30, dated 20.01.2010, under Sections 323, 324, 354, 356,

452, 447, 148, 149 and 325 IPC, registered at Police Station Maqsudan, District Jalandhar and all subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2) including the order dated 11.09.2013 passed by the learned Judicial Magistrate First Class, Jalandhar (Annexure P-10) vide which the petitioner has been declared as proclaimed offender, are ordered to be quashed, however, qua the petitioner only.

15. Resultantly, with the above-said observations made, both the aforementioned petitions i.e. CRM-M-2558-2023 and CRM-M-38522-2017 stand allowed.

November 20, 2023
vk

(Vivek Puri)
Judge

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