

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

[261]

**CRM-M-10479-2019 (O&M)
Decided on :15.02.2023**

Amardeep Singh @ Bai Phalwan and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr. S.K. Kanojia, Advocate for
Mr. Gurmeet Singh, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Amit Sharma, Advocate for
Mr. Tapish Kumar Gupta, Advocate for respondents No.4.

AMAN CHAUDHARY, J.

Present petition has been filed for quashing of FIR No.66, dated 24.06.2011, under Sections 336, 506, 148, 149 IPC and 25/27/54 of the Arms Act registered at Police Station Dasuya, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of the compromise.

On 28.10.2022, both the parties were directed to appear before the Illaqa Magistrate for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order, report dated 14.12.2022 has been received from the Sub Divisional Judicial Magistrate, Dasuya through District and Sessions Judge Hoshiarpur. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed and the compromise effected

between them is genuine, without any undue influence and coercion. No accused has been declared proclaimed offender in the present FIR. It is further stated in the report that out of total five accused/petitioners, petitioner Nos. 1 and 5 namely, Amardeep Singh alias Bai Phalwan and Mohanjit Singh respectively have not appeared before the concerned Court.

However on 20.12.2022, it is stated by learned counsel for the petitioners that pursuant to the order passed by this Court on 28.10.2022, the statements of the parties have been recorded except petitioner Nos.1 and 5, as they were abroad. Accordingly, petitioners No.1 and 5 have been permitted through record their statements in support of the compromise through virtual mode.

Pursuant to the aforesaid order, a report dated 14.02.2023 has also been received from the Sub Divisional Judicial Magistrate, Dasuya through e-mail to the effect that petitioner Nos.1 and 5 have not followed the Rules of Video Conferencing as directed by this Court vide order dated 20.12.2022. Therefore, no appropriate report regarding genuineness of the compromise between the parties could be submitted.

I have heard learned counsel for the parties and have also gone through the case file.

The Full Bench of this Court in “***Kulwinder Singh and others Vs State of Punjab***”, 2007 (3) RCR (Criminal) 1052, 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 view that the same was 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 Supreme Court of India in the case of “*Gian Singh Vs. State of Punjab and another*”, 2012 (4) RCR (Criminal) 543, had 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 reads thus:-

“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 the judgments referred to above, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant(s), this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

Resultantly, the present petition is allowed and FIR No.66, dated 24.06.2011, under Sections 336, 506, 148, 149 IPC and 25/27 of the Arms Act registered at Police Station Dasuya, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of the compromise, are quashed qua the petitioners.

[AMAN CHAUDHARY]
JUDGE

15.02.2023
Anjal

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No