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

CRM-M-15083-2023

Date of decision: 02.11.2023

Jagmohan Singh @ Babbu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohan Singh Chauhan, Advocate for the petitioners.

Mr. Kunal Muthreja, AAG, Punjab, for respondent No.1.

Mr. Chandan Deep Singh, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a petition under Section 482 of Cr.P.C. for quashing of complaint case bearing IPC COMI No.6 of 2020 dated 01.02.2020 titled as “Jagdish Singh Sodhi vs. Harcharan Singh and others” filed under Sections 323, 342, 295-A, 452, 506, 148 and 149 IPC and summoning order dated 19.02.2020, on the basis of compromise.

2. On 03.10.2023, this Court had passed the following order:-

“This is a first petition under Section 482 Cr.P.C. praying for quashing of a complaint case bearing IPC COMI no.6 of 2020 dated 01.02.2020 titled as “Jagdish Singh Sodhi vs. Harcharan Singh and others” filed under Sections 323, 342, 295A, 452, 506, 148 and 149 IPC and summoning order dated 19.02.2020 on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion.

On the asking of the Court, Mr.Ferry Sofat, Addl.A.G. Punjab, accepts notice on behalf of respondent no.1. Mr.Chandan Deep Singh, Advocate, appears on behalf of complainant-respondent no.2 and admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

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.*

Adjourned to 02.11.2023.

To be taken up at 12:00 noon.”

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

“In compliance to the aforesaid order passed by the Hon'ble Punjab and Haryana High Court in CRM-M-15083-2023 it is respectfully Submitted that the point wise report of undersigned is as follows:-

(i) As per the statement of ASI Sikander Singh and record, there are four persons namely Jagmohan Singh @Babbu,

Karamvir Singh, Barinder Iqbal Singh and Harcharan Singh arrayed as accused in the present complaint but during trial accused Harcharan Singh had died and proceeding against him were abated vide order dated 28.01.2022

(ii) As per the statement of ASI Sikander Singh and record, accused Jagmohan Singh @Babbu, Karamvir Singh, Barinder Iqbal Singh have not been declared proclaimed offender in the present FIR.

(iii) In view of the statement recorded by both the parties, this court is satisfied that the compromise effected between the parties is genuine, voluntary which is not the result of any pressure or coercion.

(iv) As per the statement of ASI Sikander Singh and record, accused namely Jagmohan Singh @Babbu, Karamvir Singh, Barinder Iqbal Singh are not involved in any other case except the present complaint.

(v) Statement of ASI Sikander Singh has been recorded wherein he stated that relating present matter one FIR No. 29 dated 13.04.2011 under section 295,506,148,149 of IPC, P.S. Dasuya has been registered on the statement of complainant Jagdish Singh against the accused persons and final report in the shape of cancellation report has been submitted by the official which was accepted by the court vide order dated 18.01.2020. He further stated that there is no other complainant/victim except the present complainant namely Jagdish Singh in the present complaint/FIR.”

4. 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 complaint/FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

5. 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.

6. 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 parties.

7. 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.

8. 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.

9. 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”

10. In view of what has been discussed hereinabove, the petition is allowed and complaint case bearing IPC COMI No.6 of 2020 dated 01.02.2020 titled as “Jagdish Singh Sodhi vs. Harcharan Singh and others” filed under Sections 323, 342, 295-A, 452, 506, 148 and 149 IPC and summoning order dated 19.02.2020, on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

02.11.2023

Pawan

Whether speaking/reasoned:-
Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No