

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

(267)

**2023:PHHC:121653
CRM-M-40145-2023
Date of Decision: 14.09.2023**

Parminder Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL.

Present:- Mr. P.S. Tur, Advocate for petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

Mr. Mohd. Yousaf, Advocate &
Mr. Jatinder Siwach, Advocate
for respondents no.2 & 3.

VIKAS BAHL.J (Oral)

1. This is a first petition filed under Section 482 Cr.P.C praying for quashing of FIR No.1 dated 5.1.2018 registered under sections 420 IPC (offence under Sections 409, 465, 468, 471, 120-B IPC added later on) at Police Station, NRI Jalandhar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.
2. On 21.8.2023, this Court was pleased to pass the following order:-

“This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR No.1 dated 05.01.2018 registered under Sections 420 IPC (offence under Sections 409, 465, 468, 471, 120-B IPC added later on) at Police Station NRI Jalandhar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, there were initially six accused persons and FIR qua five persons was quashed on the basis of compromise by a

coordinate Bench of this Court vide order dated 09.12.2022 passed in CRM-M-22196-2022. It is further submitted that compromise has now been effected with the present petitioner.

Notice of motion.

On the asking of the Court, Mr.Maninder Singh, DAG, Punjab, accepts notice on behalf of respondent no.1. Mr.Mohd.Yousaf, Advocate, appears on behalf of respondents no.2 and 3 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 10 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 14.09.2023.*

To be taken up at 12:00 noon.”

3. In pursuance to the said order, a report has been submitted by the CJM, Jalandhar. The relevant portion of the said report is reproduced hereinbelow:-

“The report as sought vide order dated 21.08.2023 is as under:-

- (1) As per the statement of Investigating Officer FIR was registered by complainant against accused namely Parminder Singh (Stamp Vendor),Pritpal Singh, Sarabjit Singh Makkar, Madan Lal and Pavinder Singh. As per record, after completion of investigation, report under Section 173 Cr.P.C*

*has been filed only against accused Pawinder Singh son of Surjit Singh and accused/petitioner Sarabjit Singh Makkar, Pritpal Singh, Upinderjit kaur, Madan Lal and **Parminder Singh stamp vendor (Petitioner in this case)** were summoned to face trial vide order dated 08.04.2022 while taking cognizance under Section 190 Cr.P.C on application moved by prosecution.*

(2) As per the statement of Investigating Officer none of the accused is proclaimed offender. (It is pertinent to mention here that FIR against accused Madan Lal, Pawinder Singh, Pritpal Singh, Opinderjit Makkar, Sarabjit Singh Makkar has already been quashed by the Hon'ble High Court vide order dated 09.12.2022 passed in CRM-M-22196-2022(O&M).

(3) As per statement of parties i.e. Paramjit Singh (Special Power of Attorney of complainant/respondent no.2 and special power of attorney of legal heirs of respondent no.3) and accused/petitioner compromise between them is genuine and without any threat, fear or coercion.

(4) As per statement of Investigating Officer, accused/petitioner is not involved in any other case.

(5) As per the statement of Investigating Officer, there are two victims/complainants in this case i.e. Gurnek Singh and Gurmail Singh sons of Harbans Singh.”

4. A perusal of the above said report would show that the compromise in the present case has been found to be voluntarily, without any coercion or undue influence.

5. Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case.

6. Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

7. Learned counsel for respondents no.2 and 3/complainant have 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. He prayed that FIR and subsequent proceedings may be quashed.

8. This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the learned 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”, 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 feels 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”, 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, this petition is allowed and FIR No.1 dated 5.1.2018 registered under sections 420 IPC (offence under Sections 409, 465, 468, 471, 120-B IPC added later on) at Police Station, NRI Jalandhar, District Jalandhar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

14.09.2023

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No