



CRM-M-5264-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(228)

CRM-M-5264-2024

Date of decision:- 13.05.2024

Baljeet Singh Bhutta and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Sehaj Sandhawalia, Advocate,
for the petitioners.

Ms. Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.113 dated 12.07.2019 registered under Sections 353/186/149/160 of the Indian Penal Code, 1860 and under Section 4 of the Punjab Protection of Medicare Service Persons & Medicare Service Institutions (Prevention of Violence & Damage to Property) Bill, 2008 at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 02.02.2024, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing



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of FIR No.113 dated 12.07.2019 registered under Sections 353/186/149/160 of the Indian Penal Code, 1860 and under Section 4 of the Punjab Protection of Medicare Service Persons & Medicare Service Institutions (Prevention of Violence & Damage to Property) Bill, 2008 at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

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

Notice of motion for 13.05.2024.

On asking of the Court, Mr. Ferry Sofat, Addl. A.G. Punjab appears and accepts notice on behalf of the respondent-State.

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.*

To be taken up at 12:00 pm.”

3. In pursuance of the said order, the report has been submitted by the Chief Judicial Magistrate, Fatehgarh Sahib to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“The report is submitted hereunder:-

- 1. There are six accused persons named in the FIR bearing No.113 dated 12.07.2019 u/s 353, 186, 149, 160, 355, 506, 509 of IPC*



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and Section 4 of the Punjab Protection of Medicare Services Persons and Medicare Services Institutions (Prevention of Violence and Damage to Property Act) 2008 P.S. Fatehgarh Sahib, out of which one accused Rajinder Bhatt @ Rajinder Nain Singh was kept in column no. 2 of the report under Section 173 Cr.P.C. and was not challaned in this case. Two accused persons namely Rupinder Singh @Happy and Pawel Handa were added during the investigation. All 8 accused facing trial have appeared to give their statement.

2. *As per the statement of parties and IO, no accused has been declared as proclaimed person/absconder in this case.*
3. *After going through the statements suffered by the parties, this court is of the view that a genuine and valid compromise has been effected between the parties which is without any pressure or undue influence of any manner upon either of the party.*
4. *As per the statements suffered by the above referred parties and IO, the parties are not involved in any other criminal case. All the parties have been duly identified by their respective counsels.*
5. *There is only one victim/complainant in this case namely Dr. Amanpreet Kaur and she has also appeared and given statement in favour of the compromise. The same is clear from the statement of IO and the parties.*

The statements suffered by the above referred parties before this case referred above are hereby enclosed herewith for Your Honour's kind perusal, please. The next date before Hon'ble High court is 13.05.2024."

4. A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise has been entered into without any pressure or undue influence in any manner upon either of the parties.

5. Learned counsel for the petitioners has submitted that the

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petitioners have not been declared proclaimed offender(s). Learned counsel for the State, as per instructions, has stated that this fact is correct.

6. This Court has heard the learned counsel for the parties and has perused the file.

7. After perusing the report submitted by the learned 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**”, 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**”, 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

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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.113 dated 12.07.2019 registered under Sections 353/186/149/160 of the Indian Penal Code, 1860 and under Section 4 of the Punjab Protection of Medicare Service Persons & Medicare Service Institutions (Prevention of Violence & Damage to Property) Bill, 2008 at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 13, 2024
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No