



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-11358-2024

Date of Decision: 24.05.2024

Rehman @ Sabi

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nitin Verma, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab.

Mr. Sudesh Kumar Pandey, Advocate for
Mr. Surinder Thakur, Advocate for respondents No. 2 to 4.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 66 dated 20.10.2018 (Annexure P-1) registered under Sections 354-A, 452, 427, 148 and 149 IPC at Police Station Rawalpindi, District Phagwara and all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 16.02.2023 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Phagwara whereby the petitioner along with his co-accused was convicted under Section 452 read with Section 34 IPC, on the basis of compromise dated 13.05.2023 (Annexure P-4) effected between the parties.

Pursuant to the order dated 04.03.2024 passed by this Court,



the parties appeared before the learned Judicial Magistrate First Class, Phagwara to get their statements recorded. Learned Judicial Magistrate First Class, Phagwara has submitted his report along with copies of statements of the parties vide letter dated 06.05.2024 duly forwarded by the learned District and Sessions Judge, Kapurthala on 07.05.2024.

A perusal of the above said report would show that the FIR was registered at the instance of the complainant Satpal against 5 accused persons namely i) Rehman @ Sabi son of Yusuf Mohammad; ii) Gopal Kumar son of Hans Raj; iii) Prijan Kumar son of Surinder Kumar; iv) Sahil son of Mandeep Kumar; and v) Vishal Bassi son of Vijay Kumar. Out of these 5 accused persons, 4 accused persons namely i) Gopal Kumar; ii) Prijan Kumar; iii) petitioner Rehman @ Sabi; and iv) Vishal Bassi have already been convicted by the then learned JMFC, Phagwara vide judgment dated 16.02.2023 (Annexure P-2). As per police record, no other case/FIR except the present FIR is found registered or pending against accused petitioner Rehman @ Sabi. The petitioner and respondents No. 2 to 5/complainant/injured have appeared and suffered statements with respect to the compromise, which have been found to be genuine, voluntarily and without any duress and coercion and out of their free will.

Learned counsel for the petitioner informs that there were total five accused including the present petitioner in the matter. Respondents No. 6 to 8 are the co-accused of the petitioner. However, it is only the accused namely Rehman @ Sabi who is before this Court as petitioner and has got his statement recorded. As per report, there is no



other case pending against the petitioner and he has never been declared proclaimed offender.

The Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*, has held that partial quashing of the FIR is permissible on the basis of compromise.

The Hon'ble Supreme Court in *Ram Gopal and Anr. Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322*; and a Division Bench of this Court in *Sube Singh Vs. State of Haryana 2012(4) RCR (Criminal) 102*, have held that the power of the Court under Section 482 Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post conviction stage.

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

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

After perusing the report submitted by the learned Judicial Magistrate, First Class, Phagwara, this Court finds that the matter has been amicably settled between the petitioner and respondent No.2 to 5/complainant and injured. 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 proceedings 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.

Hon'ble 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 here-in-below:-

“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.”

The High Court of Delhi in *Crl. M.C. 1741/2021, Sunil Tomar vs. The State of NCT of Delhi and another*, 2022(2) Cri. CC 179,



has held that partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 66 dated 20.10.2018 (Annexure P-1) registered under Sections 354-A, 452, 427, 148 and 149 IPC at Police Station Rawalpindi, District Phagwara and all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 16.02.2023 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Phagwara whereby the petitioner along with his co-accused was convicted under Section 452 read with Section 34 IPC, on the basis of compromise dated 13.05.2023 (Annexure P-4), are ordered to be quashed qua the petitioner **only**.

24.05.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No