

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31188-2019(O&M)
Decided on : 31.03.2022

Vijay Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

**PRESENT: Mr. S. K. Choudhary, Advocate
for the petitioners.**

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. S. K. Arya, Advocate
for respondents No. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 107 dated 01.10.2018 under Sections 325, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sujanpur, District Pathankot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 07.01.2022, the following order was passed:-

“Learned counsel for the petitioners has submitted that in pursuance of the 21.01.2020, the statements of the parties could not be recorded before the trial Court/Illaqa Magistrate and thus, it is prayed that one more opportunity be granted to the parties to

get their statements recorded.

Adjourned to 31.03.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 70 days from today.

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.”*

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

“Report of this Court as follows:

(1) As per record, four persons namely Vijay Kumar son of Janak Raj, Aman @ Aman Kumar son of Vijay Kumar, Vikas @ Vikas Sharma son of Ram Parshad and Monu @ Ninu @ Abhiraj Choudhary son of Sanjeev Sharma are arrayed as accused in the FIR

(2) As per record, none of the accused has been declared as Proclaimed Offender.

(3) Compromise is genuine, voluntarily and without any coercion or undue influence.

(4) As per statement, none of the accused is involved in any other FIR.

(5) As per statement of Investigating Officer, there are three victims/ complainants namely Surjeet Singh @ Surjit Singh, Manjeet Singh and Jagjeet Singh in the FIR.

Report along with copies of statements of complainant and accused are submitted, with regards, as directed.”

A perusal of the said report would show that 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 FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondents No. 2 to 4 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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.

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.

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”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 107 dated 01.10.2018 under Sections 325, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sujanpur, District Pathankot (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

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

(VIKAS BAHL)
JUDGE

March 31st, 2022

Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No