

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

**CRM No.M-24420 of 2014 (O&M)
Decided on : 26.05.2015**

Vijay Kumar Kalra & ors.

.... Petitioner(s)

Vs.

State of Punjab and anr.

.... Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. Amandeep Sharma, Advocate for
Mr. P.S.Khurana, Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

MAHESH GROVER, J.(Oral)

This is a petition under Section 482 Cr.P.C praying for quashing of proceedings of FIR No.78 dated 22.05.2006 registered under Sections 420, 465, 467, 468, 471 & 120-B IPC at Police Station City Jalalabad, Fazilka at appellate stage. Initially, the conviction was recorded but now the matter has been compromised.

On 31.07.2014, this Court had directed the appellate court to record the statement of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties and a report in this regard was also called for.

That report has since been received along with copies of the statements of the affected persons which also indicates that the matter has been resolved amicably between the parties without any pressure from any quarter.

The Division Bench of this Court in ***Sube Singh & another vs. State of Haryana & another, 2013(4) RCR (Crl.) 102*** has held as under:

*"16. As regards the doubt expressed by the learned
Single Judge whether the inherent power under Section*

482 Criminal Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial court, we find that in **Dr. Arvind Barsaul etc. vs. State of Madhya Pradesh & anr., 2008(2) RCR (Criminal) 910: (2008) 5 SCC 794**, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498-A Indian Penal Code and sentenced to 18 months' imprisonment and his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that "continuation of criminal proceedings would be an abuse of the process of law" and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.

17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case. X X X X X X X

21. In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonies the relationship and

*cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. **Since there is no statutory embargo against invoking of power under Section 482 Cr.PC after conviction of an accused by the trial court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.***

The Hon'ble Supreme Court in ***Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Crl.) 206*** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.PC read with Article 226 of the Constitution.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in ***Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225*** and of Hon'ble Supreme Court in ***Gian Singh Vs. St. of Punjab reported as 2012 (4) RCR (Crl.) 543***, instant petition is accepted. Consequently, FIR No.78 dated 22.05.2006 registered under Sections 420, 465, 467, 468, 471 & 120-B IPC at Police Station City Jalalabad, Fazilka qua petitioners is hereby quashed.

26.05.2015
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(Mahesh Grover)
Judge