

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

CRM-M No. 51263 of 2019(O&M)

Date of decision: - 17.12.2019

RAVNEET PAL SINGH @ RAVNEET SEMBHI

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Abhijeet P.S. Chaudhary, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Atul Nehra, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in this petition under Section 482 Cr. P.C. is for quashing of FIR No.41 dated 19.03.2011, under Sections 465, 467, 468, 471, 420 and 120-B IPC, registered at Police Station Sadar, District Ludhiana, and all the consequential proceedings arising therefrom, including the order dated 09.06.2014 (Annexure P-4) declaring the petitioner as proclaimed offender, on the basis of compromise dated 25.10.2019 (Annexure P-7) arrived at between the parties. The present petition has been filed by the petitioner through special power of attorney.

Learned counsel for the petitioner states that on 01.01.2009 a rent deed was executed between the petitioner and complainant-

respondent No. 2-Manjit Kaur, thereafter, with the consent of the respondent No. 2, the petitioner sublet the shop to one Jatinder Kumar, who used to pay the rent to the respondent No. 2 from time to time. The petitioner left India in May-2010 and settled in Canada permanently.

After departure of the petitioner, the dispute arose between respondent No. 2 and Jatinder Kumar. On 19.03.2011, FIR was got registered against the petitioner and Jatinder Kumar on the complaint of respondent No. 2.

It has also been pointed out by the learned counsel for the petitioner that vide order dated 26.07.2011 passed in CRM-M-22378-2011 filed by the petitioner, this Court had stayed the presentation of challan qua the petitioner, which was later on withdrawn. Thereafter, again the petitioner approached this Court for quashing the FIR vide CRM-M-30011-2014 and the same was dismissed on the ground that the petitioner is proclaimed offender.

At this stage, learned counsel for the petitioner states that now the compromise dated 25.10.2019 (Annexure P-7) has been effected between the parties.

This factum has not been disputed by the learned counsel appearing for the respondent No. 2.

I am conscious of the fact that the petitioner was declared proclaimed offender and has not faced the trial but when no case could be made out as against the petitioner because of the compromise has been effected.

Section 482 of the Code of Criminal Procedure is as follows:-

“Saving of inherent powers of High Court. Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

The above provision recognizes the inherent power of the Court to do real and substantial justice, preventing the abuse of the process of the Court. The statutory recognition of the inherent jurisdiction of the Criminal Courts indicates that there is a power for the Criminal Court to make such an order as may be necessary to meet the ends of justice.

I am conscious of the fact that the powers under Section 482 Cr.P.C. are to be exercised very sparingly in exceptional cases. Since in the present case, where compromise has been effected accused will face empty formality of trial

Learned counsel for the petitioner relies upon **Sudo Mandal @ Diwarak Mandal Vs. State of Punjab 2011 (2) R.C.R. (Criminal) 453** and **CRM-M-41640-2018** titled as **Harwinder Singh Vs. State of Punjab and another.**

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the petition is allowed. FIR No. 41 dated 19.03.2011, under Sections 465, 467, 468, 471, 420 and 120-B IPC, registered at Police Station Sadar, District Ludhiana, and all the consequential proceedings arising therefrom, including the order dated 09.06.2014 (Annexure P-4) declaring the petitioner as proclaimed

offender, on the basis of compromise dated 25.10.2019 (Annexure P-7) arrived at between the parties, are quashed qua the petitioner.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

(HARNARESH SINGH GILL)
JUDGE

17.12.2019

Mangal Singh

Whether reasoned/speaking?	Yes
Whether reportable?	No