

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-693-2020 (O&M).
Date of Decision:-20.08.2021.

Jaimal Dass @ Jaimal Johar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Ramneet Kaur Nijjar, Advocate for
Mr. Sarju Puri, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab, for
respondent No.1.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing FIR No.162 dated 12.10.2018 under Section 420 IPC, registered at Police Station Nangal, District Roopnagar and all subsequent proceedings arising therefrom on the basis of written compromise dated 22.10.2019 (Annexure P-2).

When the matter came up before a Co-ordinate Bench of this Court on 01.07.2021, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the

Courts.

Learned counsel refers to Annexure-P2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.162, dated 12.10.2018, registered under Section 420 of the Indian Penal Code, 1860, at Police Station Nangal, District Roopnagar.

Notice of motion for 20.08.2021.

On the request of the Court, Ms. Kanica Sachdeva, AAG, Punjab, accepts notice on behalf of the respondent-State. Learned counsel for the petitioner is directed to supply a copy of the paper-book to counsel for the State during the course of the day.

The parties are directed to appear before the learned trial Court for recording statement of the parties qua compromise on 22.07.2021.

The learned trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

1) Whether a compromise has been effected between the complainant and petitioner.

2) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

For awaiting report, adjourned to 20.08.2021."

In pursuance of the said order, a compliance report has been submitted by the Civil Judge (Junior Division)-cum-JMIC, Nangal to the Learned Registrar General of this Court. The said report is reproduced hereinbelow:-

*"In pursuance to order dated 01.07.2021, passed by the Hon'ble Punjab and Haryana High Court, in CRM-M-693-2020 (O&M) in case titled **"Jaimal Dass @ Jaimal Johar Vs. State of Punjab and Ranbir Singh."** in FIR No.162 dated 12.10.2018, for offences U/s 420 IPC, P.S. Nangal (Rupnagar), complainant Ranbir Singh and accused jaimal Dass @ Jaimal Johar, appeared before the court of undersigned being duty magistrate, on 22.07.2021, for recording their statements with regard to compromise.*

Complainants Ranbir Singh s/o Amarpal Singh r/o Vill. Barwa, Teh. Anandpur Sahib, Distt. Rupnagar, suffered statement that FIR No.162 dated 12.10.2018, for offences U/S 420 IPC, P.S. Nangal (Rupnagar), got registered on his statements against accused Jaimal Dass @ Jaimal Johar s/o Chunni Lal, residents of Vill. Hedon bet, Teh. Balachaur Distt, SBS Nagar. Complainant stated that now, with the intervention of respectables and relatives of the parties, a compromise

has been arrived with the accused party, without any fear, coercion and undue influence, voluntarily without any pressure from any side, with intention to live in peace and harmony. Copy of compromise is placed on record as Mark-A1. It is further, stated that he has no objection if FIR No.162 dated 12.10.2018, for offences U/s 420 IPC, P.S. Nangal (Rupnagar), P.S. Nangal (Rupnagar), and proceedings subsequent thereto, are quashed. Copy of Adhar Card of complainant is taken on record to ensure his identity as Mark-A2.

Accused Jaimal Dass @ Jaimal Johar, recorded his statement mentioning that above mentioned FIR got registered on statement of complainant, Now, with the intervention of respectables and relatives of parties, a compromise has been arrived between them, with intention to live in peace and harmony. The compromise is effected without any fear, coercion or pressure from any side and voluntarily with their free will. Both the parties have placed on record copy of compromise Mark-A1. Copy of Adhar Card of accused as Mark. A-3.

In compliance to the order dated 07.01.2021 passed by Hon'ble High Court, report is hereby submitted in terms of order dated 07.01.2021, as hereinunder:-

(i) that on examination of statements of both, the complainant party as well as accused, it appears that with the intervention of respectable of society and relatives a compromise has been effected between parties in order to live peacefully and with harmony. It is further submitted that both complainant and accused have placed copy of compromise Mark-A1, on record which is duly signed by them.

(ii) that on examination of statements of both, complainant and accused party, the compromise effected between them appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence, coercion and fear from any side.

(iii) as per the statement of both complainant and accused, no other case or proceedings are pending against either of the party.

This report is submitted for your kind perusal alongwith documents enclosed as above.”

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 is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case. Learned counsel for the State has stated that this fact is correct.

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 feel that the same was 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”

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

In view of what has been discussed hereinabove, the petition is allowed and FIR No.162 dated 12.10.2018 under Section 420 IPC, registered at Police Station Nangal, District Roopnagar and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Since the main petition has been decided, pending Criminal Miscellaneous Application, if any, shall stand disposed of.

(VIKAS BAHL)
JUDGE

August 20, 2021.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.