

114

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

CRM-30332-2021 in/and
CRM-M-1843-2019
Date of decision : 22.09.2021

Inderjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Naveen Bawa, Advocate and
Mr. Vishnu Dutt, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

CRM-30332-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 02.11.2021 to an early date in view of the fact that the matter has been compromised and the statements of the parties regarding the compromise have also been recorded

Notice in the application.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr.

Naveen Bawa, Advocate alongwith Mr. Vishnu Dutt, Advocate appears on behalf of non-applicant/respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 02.11.2021 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the main petition is taken on Board today itself for final disposal.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.240 dated 15.11.2018 registered under Sections 420, 406 of the Indian Penal Code, 1860 at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2).

On 12.02.2020, the Coordinate Bench of this Court was pleased to pass the following order:-

“Petitioner is directed to deposit Rs.20,000/- as a precondition for recording the statements qua alleged compromise, out of which Rs.10,000/- shall be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and Rs.10,000/- with the Welfare Centre for Persons with Speech and Hearing Impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, Bank Account No.000434003000357, the Gurgaon Central Co-operative Bank Ltd. or Bank, Account No.1245010000518, United Bank of India. He can also opt to deposit the

aforesaid amount of Rs.10,000/- with the PGIMER online through its website “www.pgimer.edu.in”. Thereafter, parties shall appear before the concerned trial Court/Illaq Magistrate after having the receipt of amount of Rs.20,000/- as above, who shall record their statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.

Adjourned to 25.03.2020 for consideration.

Original receipts qua deposit of above costs be produced in this Court on the next date of hearing.

To be shown in the urgent list.”

In pursuance of the said order, a report has been submitted by the Chief Judicial Magistrate, Gurdaspur. The relevant portion of the said report is reproduced hereinbelow:-

“Subject:- Report regarding compromise as per order dated 12.02.2020 passed by Hon'ble Punjab and Haryana High Court in CRM-M-1843-2019 case titled as Inderjit Singh versus State of Punjab and another FIR No.240 dated 15.11.2018 U/s 420, 406 IPC P.S. City Gurdaspur.

(Report for 25.03.2020)

Respected Sir,

I have the honour to submit with respect to the subject cited above that as per above order, parties were directed to appear before the Trial Court/Illaq Magistrate after having the receipt of amount of Rs.20,000/- for recording their statements.

It is submitted that accused Inderjit Singh and complainant Sulakhan Singh have appeared and made statements on 25.02.2020 (Original statements and identity

cards attached herewith). Complainant Sulakhan Singh has further stated that he has no objection, if FIR against the accused be quashed. Photocopies of receipts of Rs.20,000/- have produced in the Court.

It is further submitted that as per statement of Investigating Officer, no accused has been declared proclaimed offender in this case.

It is evident from the statements of the parties that the compromise is genuine, without any pressure or undue influence.

Report is hereby sent, please.

Yours faithfully
Sd/- (Rachhpal Singh),
UID No.PB0284
Chief Judicial Magistrate,
Gurdaspur.”

A perusal of the said report would show that the amount of Rs.20,000/- had been deposited by the petitioner in pursuance of the abovesaid order passed by the Coordinate Bench of this Court and even the receipt regarding the same had also been produced before the Chief Judicial Magistrate, Gurdaspur. In the report, it has also been submitted that the compromise is genuine, without any pressure or undue influence and that none of the accused is proclaimed offender.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is correct.

Learned counsel for respondent No.2 has again reiterated that

the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties. He has further submitted that respondent No.2 has no objection in case the FIR in question and all the subsequent proceedings arising therefrom are quashed qua the petitioner.

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 petitioner 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.240 dated 15.11.2018 registered under Sections 420, 406 of the Indian Penal Code, 1860 at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2), are ordered to be quashed, qua the petitioner.

22.09.2021

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No