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

CRM-39287-2021 in/and
CRM-M-16558-2021 (O&M)
Date of decision : 25.11.2021

Satyam @ Nannu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Akbarjit Singh, Advocate for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

Mr. Gagan, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-39287-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 27.01.2022 to an early date.

Learned counsel for the applicant-petitioner has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Sarabjit Singh, AAG, Punjab,

appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Gagan, 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 27.01.2022 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 date of hearing in the main case is preponed from 27.01.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.99 dated 16.10.2019 registered under Sections 454/380 of the Indian Penal Code, 1860 at Police Station Jalandhar Cantt. (Jalandhar Police Commissionerate) (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 10.06.2020 (Annexure P-3).

On 20.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition for quashing of F.I.R No. 099 dated 16.10.2019 under Sections 454/380 IPC registered with Police Station Jalandhar Cantt. (Jalandhar Police Commissionerate) along with consequential proceedings arising therefrom, has been filed by petitioner Satyam @ Nannu on the basis of compromise dated 10.6.2020. Copy of affidavit in that regard by complainant being Annexure

P2 and copy of compromise being Annexure P3 has been filed. Learned counsel for the petitioner has contended that challan in this case is yet to be presented and petitioner has joined the investigation.

Notice motion.

Mr. J.S. Ghumman, DAG, Punjab has accepted notice on behalf of State of Punjab and Mr. Gagan, Advocate has accepted notice on behalf of the complainant. He admits the factum of compromise between the parties. He has been asked to file vakalatnama in his favour in the Registry by the next date of hearing.

Under the circumstances, the parties are directed to appear before Ilaqa Magistrate/Duty Magistrate, Jalandhar within one month from today, so as to get their statements recorded regarding compromise. The Ilaqa Magistrate/Duty Magistrate, Jalandhar is to report whether the compromise has been entered into voluntarily, without any threat or coercion and the same is genuine. It be also intimated whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by next date of hearing.

Adjourned to 15.7.2021.”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate Ist Class, Jalandhar, which is taken on record. The relevant portion of the said report is reproduced hereinbelow:-

“As per report of Ahlmad, at present only one accused is facing trial and present is fixed for prosecution evidence and there is no proclaimed offender. From the statements of parties, the undersigned is of the opinion that compromise

has been reached between the parties voluntarily and without any pressure.

Dated:07.05.2021

Yours faithfully,

*Sd/- Damandeep Kamal Heera, PCS,
Judicial Magistrate Ist Class,
Jalandhar”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 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.

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 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.

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.99 dated 16.10.2019 registered under Sections 454/380 of the Indian Penal Code, 1860 at Police Station Jalandhar Cantt. (Jalandhar Police Commissionerate) (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 10.06.2020 (Annexure P-3), are ordered to be quashed, qua the petitioner.

25.11.2021
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**