

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37508-2018

Date of decision : 03.12.2021

Navdeep Singh Chahal

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rajesh Verma, Advocate
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

Mr.Suresh Verma, Advocate
for respondent no.4-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.0128 dated 27.06.2018 registered under Sections 279, 337 & 338 IPC at Police Station Phase-I, Mohali and all other consequential proceedings arising therefrom, on the basis of compromise dated 02.08.2018 (Annexure P-2).

On 30.08.2018, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Heard.

Learned counsel for the petitioner submits that petitioner is not seeking quashing of FIR No. 128 dated 27.06.2018, registered at Police Station Phase-I, Mohali, for offences punishable under Sections 279/337/338 IPC on merit, rather he is seeking this relief on the basis of

compromise, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Mr. Suresh Verma, Advocate accepts notice on behalf of respondent no. 4.

Parties may appear before the Illaqa Magistrate/duty Magistrate on 27.09.2018 or on any other date convenient to Illaqa Magistrate/duty Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before the Illaqa Magistrate/duty Magistrate. In the event of their statements being recorded, the Illaqa Magistrate/duty Magistrate will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- (iii) whether any other proceeding is pending against the accused/petitioners.

Report of Illaqa Magistrate/duty Magistrate be awaited for 28.11.2018.”

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

“ Report is submitted as under:

- (i) In view of the statements of the parties, the compromise appears to be genuine and voluntarily.*
- (ii) As per the report of the Ahlmad, no accused has appeared in the Court till date.*
- (iii) As per the report of the Ahlmad, there is no other proceedings pending against the accused/petitioner in the Court of the undersigned.*

Submitted please. ”

A perusal of the above said report would show that the compromise in the present case has been found to be genuine and voluntarily.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and was not declared proclaimed person / offender in the present case. The said facts have been reaffirmed by the learned counsel for the State.

Learned counsel for respondent no.4-complainant 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 parties. He has, thus, prayed that FIR and subsequent proceedings may be quashed.

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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.

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, this petition is allowed and FIR No.0128 dated 27.06.2018 registered under Sections 279, 337 & 338 IPC at Police Station Phase-I, Mohali and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 03, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No