

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

(241)

CRM-M-31390-2021.
Date of Decision:-15.11.2021.

Amit Sharma @ Amit Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Rishma Verma, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Ribhav Chadha, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.61 dated 29.05.2016, registered under Sections 406, 498-A, 323 of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 07.04.2021 (Annexure P-2).

On 06.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“This is a petition for quashing of FIR No. 61 dated
29.05.2016 under Sections 406, 498-A, 323 IPC registered at
Police Station Women Cell, Jalandhar on the basis that a
compromise has been entered into between the parties.*

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Notice of motion for 06.10.2021.

Mr. A.S.Gill, Sr. DAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of respondent No.1-State. Mr. Ribhav Chadha, Advocate, has put in appearance on behalf of respondent No.2. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Now, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 06.09.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 06.10.2021.

In the meantime, the proceedings under the FIR are stayed till the next date of hearing.”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Jalandhar to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“Further, I have also examined the parties in person and I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion from any quarter. As such, in view of the statements of the

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parties as well as after their examination in the court, I am of the view that compromise has been validly effected between the parties to the abovesaid FIR as per their free will and without any kind of pressure, threat or undue influence. It is also submitted that no PO proceedings is pending against any of the party..

Report submitted please.

Yours faithfully,

*(Jaginder Singh),,
Judicial Magistrate Ist Class,
Jalandhar/UID NO.PB00485”*

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. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending between the parties.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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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 families.

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.

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

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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.61 dated 29.05.2016, registered under Sections 406, 498-A, 323 of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 15, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No