

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

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CRM-M-32175-2021 (O&M)

Decided on : - 03.11.2021

Karan Sharma

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Shivoy Dhir, Advocate
for the petitioner.

Mr. A. K. Kaundal, DAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 40 dated 24.03.2021 registered under Section 420 of the Indian Penal Code, 1860 registered at Police Station Dugri, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 02.07.2021 (Annexure P-2).

When the matter came up before a Coordinate Bench of this Court on 11.08.2021, the following order was passed:-

“The case has been taken up for hearing through video-conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 03.11.2021.

In the meanwhile, parties would appear before the Illaqa Magistrate on 23.08.2021 for recording their statements. The

concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Ludhiana to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“It is accordingly submitted that only one accused namely Karan Sharma is involved in the FIR and except the present case, no other criminal case is pending against him. Accused has not been declared as proclaimed offender/person in this case.

On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties.

With these submissions, the report with regard to the compromise is being submitted accordingly for the kind perusal of the Hon'ble High Court.

Accordingly report is being submitted please.

Thanking you. ”

A perusal of the said report would show that 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.

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 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. 40 dated 24.03.2021 registered under Section 420 of the Indian Penal Code, 1860 registered at Police Station Dugri, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 02.07.2021 (Annexure P-2), are ordered to be quashed, qua the petitioner.

Pending miscellaneous application, if any, shall also stand disposed of, in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

3rd November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No