

CRM-M-32230-2021

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

CRM-M-32230-2021.
Date of Decision:-09.09.2021.

Silvinder Singh Nanda and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arshit Goel, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Sarthak, Advocate for respondent No.2.

VIKAS BAHL, J. (Oral)

This is petition filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 01.04.2021, registered under Sections 353, 186, 506, 34 IPC at Police Station Civil Lines, Patiala, District Patiala (Annexure P-1) on the basis of compromise deed dated 03.08.2021 (Annexure P-2).

On 13.08.2021, this Court has passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 01.04.2021 registered under Sections 353, 186, 506, 34 of the Indian Penal Code, 1860 at Police Station Civil Lines, Patiala, District Patiala and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

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Learned counsel for the petitioners has relied upon Division Bench Judgment of this Court i.e. CRM-M-31765-2012, decided on 01.05.2013 titled as Vinod @ Boda and others Vs. State of Haryana to contend that even an FIR under Sections 353, 186, 506, 34 of the Indian Penal Code, can be quashed on the basis of compromise by the High Court.

Notice of motion for 09.09.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Sanjeev Soni, Advocate appears on behalf of respondent No.2. The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

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In pursuance of the said order, the report has been submitted by the Judicial Magistrate Ist Class, Patiala. The relevant part of the report is reproduced hereinbelow:-

“Statements of the parties recorded in the court and in the presence of undersigned, the compromise between the parties is found to be genuine and made by them of their free will. Report is accordingly submitted. The photocopy of the statement of parties is enclosed herewith for your kind perusal.

Submitted please.

Your's obediently,

*Gurbinder Singh Johal,
Judicial Magistrate Ist Class,
Patiala.”*

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.

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

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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 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.

In view of what has been discussed hereinabove, this petition is allowed and FIR No.92 dated 01.04.2021, registered under Sections 353, 186, 506, 34 IPC at Police Station Civil Lines, Patiala, District Patiala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

September 09, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No