

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

(233)

CRM-M-35286-2021
Date of Decision:-29.10.2021.

Sanjana

.....Petitioner

Versus

State of U.T., Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Saurav Kanojia, Advocate for the petitioner.

Mr. Sumit Jain, A.P.P., U.T., Chandigarh, for
respondent No.1.

Mr. Lakshay Bector, 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.0001 dated 02.01.2021 (Annexure P-1), registered under Sections 279, 337, 338 of IPC at Police Station Sector 19, District Chandigarh and all identical proceedings thereto, on the basis of compromise deed dated 17.08.2021 (Annexure P-2).

On 31.08.2021, this Court has passed the following order:-

“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

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basis of compromise.

Notice of motion for 29.10.2021.

At this stage, Mr. Lakshay Bector, Advocate appears on behalf of respondents No.2 and 3.

In the meanwhile, parties would appear before the Illaqa Magistrate on 09.09.2021 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, the report has been submitted by the Judicial Magistrate Ist Class, Chandigarh. The relevant portion of the report is reproduced hereinbelow:-

“In compliance to the aforesaid order dated 31.08.2021 of the Hon’ble Punjab and Haryana High Court, it is most humbly submitted that in view of the aforementioned statements got recorded by both the parties, this court is satisfied that the compromise effected between the parties seems to be genuine, authentic and voluntary, which is not the result of any pressure, coercion or undue influence. It is further submitted that there is only one accused person in the present case namely Sanjana, age 23 years daughter of Sh. Satish, resident of House No.61, Subhash Nagar, Manimajra,

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Chandigarh, permanent r/o House No.A20, Saraswati Enclave, Sector 10-A, Gurgaon and as per the statement of the Investigating Officer, she has not been declared as proclaimed offender/person in this case or by any other Court of law. Further, as per the statement of ASI Rambir Singh, no case is registered against the accused. No other investigation is pending against the accused.

The requisite report is submitted accordingly alongwith copies of statement of parties as well as of Investigating Officer and copy of compromise deed for the kind perusal of Your Good-self.

Submitted please.

*Yours faithfully,
Sd/-*

*(Jaspreet Singh Minhas)
Judicial Magistrate Ist Class,
Chandigarh.
UID No.PB0586.”*

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.

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Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and she 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 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

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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 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.0001 dated 02.01.2021 (Annexure P-1), registered under Sections 279, 337, 338 of IPC at Police Station Sector 19, District Chandigarh and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

October 29, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No