

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35072-2021(O&M)

Date of decision : 08.11.2021

Gurjot Singh @ Ginny

... Petitioner

Versus

Union Territory of Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr.Deepinder Brar, APP for U.T. Chandigarh.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of case FIR No.161 dated 19.05.2017 (Annexure P-1) registered under Section 380 IPC and Sections 66-C and 66-D of Information Technology Act, at Police Station Sector 31, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise deed dated 06.12.2019 (Annexure P-2).

On 26.08.2021, this Court has passed the following order:-

"This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.161 dated 19.05.2017 registered under Section 380 of the Indian Penal Code, 1860 and Sections 66-C and 66-D of the Information Technology Act, at Police Station Sector-31, Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise dated 06.12.2019 (Annexure P-2).

Learned counsel for the petitioner has submitted that all the persons concerned are party to the

compromise.

Notice of motion for 08.11.2021.

On asking of the Court, Mr. Deepinder Brar, Addl. P.P. for U.T. Chandigarh appears and accepts notice on behalf of respondent No.1.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one month.

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.”*

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

“5. As desired by the Hon'ble High Court, considering the statement of complainant, accused and on behalf of Investigating Officer, my point wise report is as under:-

(1) That, in the present FIR as per record, only one person namely Gurjot Singh @ Ginny has been arrayed as an accused.

(2) That, as per statement of HC Rampal Belt No.680/CP on behalf of Investigating Officer Inspector Davinder Singh, 475/CHG, Incharge CCIC, Sector 17, Chandigarh, no PO proceedings

are initiated or pending against accused.

(3) That, the matter has been compromised by complainant Ms Aarti with the accused namely Gurjot Singh @ Ginny, so taking into consideration their statements, this Court is of the view that the compromise arrived at between the complainant and the accused is genuine, voluntary and without any coercion or undue influence.

(4) That, as per the statement of accused he has not been involved in any other case and no other FIR has been registered against him.

(5) That, as per the statement of HC Rampal Belt No.680/CP on behalf of Investigating Officer Inspector Davinder Singh, 475/CHG, Incharge CCIC, Sector 17, Chandigarh, Ms Aarti is the only affected / aggrieved party, who has been arrayed as complainant.

6. Since, the matter has been compromised by complainant Ms Aarti with the accused namely Gurjot Singh @ Ginny, so taking into consideration their statements, this Court is of the view that the compromise arrived at between the complainant and the accused is genuine, voluntary and without any coercion or undue influence. Therefore, the report as sought by your honour is being sent for your kind perusal. (Copy of statement of complainant, accused, and statement of HC Rampal Belt No.680/CP on behalf of Investigating Officer are annexed with this report for your kind perusal.”

A perusal of the said report would show that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the State as per instructions has stated that

aforesaid fact is correct and he has no objection in case the FIR is quashed on the basis of compromise.

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 State 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.

In view of what has been discussed hereinabove, this petition is allowed and FIR No.161 dated 19.05.2017 (Annexure P-1) registered under Section 380 IPC and Sections 66-C and 66-D of Information Technology Act, at Police Station Sector 31, Chandigarh and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

November 08, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No