

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

(225)

CRM-M-37062-2021.
Date of Decision:-26.10.2021.

Rohit @ Ravi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Dhivya Jerath, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab, for respondent No.1.

Mr. Ruhani Chadha, Advocate for
respondent No.2/complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for quashing of the FIR No.0004 dated 10.01.2020 under Sections 379-B of IPC, registered at Police Station Model Town, District Hoshiarpur, Punjab, along with all other consequential proceedings arising therefrom in view of the compromise deed dated 01.09.2021 (Annexure P-2).

On 09.09.2021, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C.

for quashing of FIR No.4 dated 10.01.2020 registered under

Section 379-B of the Indian Penal Code, 1860 at Police Station

Model Town, District Hoshiarpur, Punjab (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise deed dated 01.09.2021 (Annexure P-2).

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise. He has further submitted that the date fixed before the learned trial court is 15.09.2021 and the parties would be appearing on the said date.

Notice of motion for 26.10.2021.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Ruhani Chadha, 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 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 of the said order, report has been submitted by the District and Sessions Judge, Hoshiarpur. The relevant portion of the said report is reproduced hereinbelow:-

“It is submitted that above referred Sessions Case in FIR No.4 dated 10.1.2020, under Sections 379-B, 411 IPC, Police Station Model Town, District Hoshiarpur, is pending in this court for prosecution evidence.

1) *It is submitted that as per report under Section 173 Cr.P.C., there is only one accused namely Rohit @ Ravi and no other accused is kept in Coloumn No.2 of the challan report under Section 173 Cr.P.C.*

2) *As per the file, Rohit @ Ravi was never declared proclaimed offender and this fact is also confirmed by Retired Sub Inspector Hans Raj in his statement recorded in the court. The attested copy of the statement of Retired Sub Inspector Hans Raj is “Annexure-A”.*

3) *Complainant Anukampa had appeared in the court on 15.9.2021 and made her statement separately to the effect that she has effected compromise with Rohit @ Ravi accused, facing trial in this case, with her free consent to save his future. She does not want to pursue her case. Accused Rohit @ Ravi, had also appeared on 15.9.2021 and his statement was also recorded to the effect that the has effected compromise with Anukampa with his free consent. The attested copies of*

statements of Anukapma complainant and Rohit @ Ravi accused are “Annexure-B” and “Annexure-C” respectively.

The statement of complainant Anukampa and the statement of accused clearly indicates that this compromise has been effected between them with their free consent without any coercion or undue influence.

4.) The report of SHO, Police Station Model Town, District Hoshiarpur, has been received according to which he is involved in two cases in Police Station Model Town, Hoshiarpur, which are as under:-

i) FIR No.155 dated 27.5.2019, under Sections 323, 341, 342, 427, 506, 379 IPC, Police Station Model Town, Hoshiarpur;

ii) FIR No.241 dated 21.10.2020, under Sections 323, 324, 452, 148, 149, 506 IPC, Police Station Model Town, Hoshiarpur.

The attested copy of the report of SHO, Police Station Model Town, Hoshiarpur, is “Annexure-D”.

5.) The trial in this case is pending in this court according to which, there is only one complainant/victim Anukampa, whose statement has been recorded in this case.

Report is submitted as required.”

A perusal of the above report would show that the compromise has been found to be with free consent, without any coercion or undue influence. Although, it has been stated that the petitioner is involved in two other cases but however, since the matter has been compromised and the

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said compromise is genuine and without any coercion, thus, the fact that the petitioner is involved in two other cases would not come in the way of allowing the present petition.

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.

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 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.0004 dated 10.01.2020 under Sections 379-B of IPC, registered at Police Station Model Town, District Hoshiarpur, Punjab, along with all other consequential proceedings arising therefrom in view of the compromise deed dated 01.09.2021 (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

October 26, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No