

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

234

**CRM-M-37613-2021  
Decided on : 16.12.2021**

Kulbhushan Sood and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. Gagandeep Singh Virk, Advocate  
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Ajaypal Singh Sandhu, Advocate  
for respondent No. 2-complainant.

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 188 dated 05.06.2018 registered under Sections 406, 420 and 120-B of the Indian Penal Code, Section 10/24 of the Immigration and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Division No. 5, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 06.08.2018 (Annexure P-2).

When the matter came up before this Court on 14.09.2021, the following order was passed:-

*“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.188 dated 05.06.2018 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860, Section 10/24 of the Immigration Act and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 06.08.2018 (Annexure P-2).*

*Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.*

*Notice of motion for 16.12.2021.*

*On asking of the Court, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Ajaypal Singh Sandhu, 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, a report has been submitted by the Additional Chief Judicial Magistrate, Ludhiana to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

*“3. Upon perusal of above statements, referred documents and record available on record, this Court is of the affirmed view that compromise effected between the parties is genuine and none of the accused has been declared proclaimed person. Pertinently, there are four accused persons referred above in this case out of whom FIR against Nitish kumar has*

*already been quashed vide order dated 22.01.2019 of Hon'ble Punjab and Haryana High Court, in petition bearing No. CRM-M-51211 of 2018 and remaining three accused namely Kulbhushan Sood, Munish Kumar and Tejinder Singh have filed the present quashing petition. Apart from this case, nineteen other cases are pending against accused Kulbhushan Sood, seven other cases are pending against accused Manish Kumar and eight other cases are pending against accused Tejinder Singh, as stated in their respective affidavits.*

*4. Above referred documents, statements including affidavits are enclosed herewith for kind consideration of the Hon'ble High Court. Hence, this report of compliance with order dated 14.09.2021 is hereby submitted for kind consideration and for further necessary order, if any.*

*Thanking You,"*

A perusal of the said report would show that the petitioners are involved in other criminal cases also, however, the said cases would not come in the way of the quashing of the present FIR. It has further 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 petitioners has submitted that none of the petitioners were 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-complainant has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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.

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 is of the opinion that the same is 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”*

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 188 dated 05.06.2018 registered under Sections 406, 420 and 120-B of the Indian Penal Code, Section 10/24 of the Immigration and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Division No. 5, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 06.08.2018 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)  
JUDGE

December 16<sup>th</sup>, 2021  
Mehak

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| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |