

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

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CRM-M-40864-2021 (O&M)

Decided on : 28.10.2021

Satveer Singh Sekhon

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr.Mohit Vashishat, Advocate
for the petitioner.

Mr. N. K. Banka, DAG, Punjab.

Mr. Abhay Gupta, Advocate
for the respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 205 dated 07.11.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 registered at Police Station Samrala, District Ludhiana (Annexure P-1) to which Sections 467, 468, 471 and 120-B of the IPC were added later on qua the petitioner and all subsequent proceedings arising therefrom on the basis of the compromise dated 30.07.2021 (Annexure P-2).

When the matter came up before this Court on 30.09.2021, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.205 dated 07.11.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police

Station Samrala, District Ludhiana (Annexure P-1) to which Sections 467, 468, 471, 120-B of the IPC were added later on qua the petitioner and all the subsequent proceedings arising therefrom on the basis of compromise dated 30.07.2021 (Annexure P-2).

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

Notice of motion for 28.10.2021.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the respondent-State.

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. ”*

In pursuance of the said order, a report has been submitted by the Additional Civil Judge (Sr. Division)-cum-SDJM, Samrala to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“2. Copy of compromise has been produced by the parties as Mark-A which bears signatures of complainant-

Paramjit Kaur as well as accused persons Satveer Singh Sekhon @ Vicky and Tarlochan Singh.

3. *Par wise reply of details sought through this report is under:-*

I) There are two accused persons namely Satveer Singh Sekhon an Tarlochan Singh in the present FIR.

II) As per the statement of ASI Shemsher Singh, No.463/Khanna there is no proclaimed offender in the present FIR.

III) From the statement of the parties, the compromise seems genuine and voluntary in nature and without any coercion or undue influence.

IV) As per statement of ASI Shemsher Singh, No. 463/Khanna, there is one more FIR i.e. FIR No. 03 dated 05.01.2021 under Section 177, 417, 420, 120-B of IPC, P.S. Samrala is pending against the accused Satveer Singh Sekhon.

V) Statement of ASI Shemsher Singh, No.463/Khanna recorded on dated 13.10.2021 as per which there is one complainant namely Paramjit Kaur wife of Supinder Singh Kang in the present FIR.

4. *The requisite report is accordingly submitted please, for its onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh. Original copies of the statements so recorded of the parties and the ID proof of the complainant and accused, are enclosed herewith, for kind perusal, please."*

The report is submitted as desired, please."

A perusal of the said report would show that it has 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. Although, it is stated that the petitioner is involved in another case but, however, the said fact would not come in the way of quashing of the present petition on the basis of compromise.

Learned counsel for the petitioner 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 submitted 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 parties.

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 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, the petition is allowed and FIR No. 205 dated 07.11.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 registered at Police Station

Samrala, District Ludhiana (Annexure P-1) to which Sections 467, 468, 471 and 120-B of the IPC were added later on qua the petitioner and all subsequent proceedings arising therefrom on the basis of the compromise dated 30.07.2021 (Annexure P-2), are ordered to be quashed, qua the petitioner.

Pending miscellaneous application, if any, shall also stands disposed of, in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

28th October, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No