

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42624-2021

Date of decision : 09.12.2021

Pritpal Singh Gill

... Petitioner

Versus

Union Territory of Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Sandhya Gaur, Advocate
for the petitioner.

Mr.Anil K.Lamdharia, Addl.P.P.
for U. T. Chandigarh.

Mr.Raghav Gulati, Advocate and
Mr.Varun Sharma, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.459 dated 17.09.2015 registered under Sections 324, 34 IPC at Police Station South Sector 34, District U.T. Chandigarh and all other consequential proceedings arising therefrom, on the basis of compromise dated 02.10.2021 (Annexure P-4).

On 08.10.2021, 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.459 dated 17.09.2015 registered under Sections 324/34 IPC at Police Station South Sector-34, District U.T. Chandigarh and subsequent proceedings arising therefrom on the basis of

compromise (Annexure P-4).

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

Notice of motion for 09.12.2021.

On the asking of the Court, Mr. Anil K. Lambahdaria, Addl. PP for U.T. Chandigarh appears and accepts notice on behalf of U.T. Chandigarh and Mr. Raghav Gulati, 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 person 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/complaints are there in the FIR.”*

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

“2. Challan in the present case has been filed. Challan was filed against two accused i.e. Sh. Pritpal Singh and Sh. Gurdev Singh. However, during course of proceedings, accused Gurdev Singh expired on 23.6.2019 and proceedings qua him were dropped vide

order dated 15.10.2019. Now, one accused Pritpal Singh is facing trial and he is not declared proclaimed offender. In view of above statements, compromise as effected between the complainant and accused appears to be genuine and effected without any fear, pressure or undue influence. As per the statement of IO, there is only one victim/complainant namely Smt. Harjot Kaur Gill. As per statement of accused, he is involved in one another criminal case FIR No.278 dated 25.7.2016 u/s 324, 325 IPC, PS Sector 34, Chandigarh and quashing petition has been filed in the said case which is pending before Hon'ble High Court. Copies of statements of parties are enclosed herewith for information and necessary action please. ”

A perusal of the above said report would show that the petitioner is involved in another criminal case but however the same would not come in the way for quashing the present FIR on the basis of compromise which has been found to be genuine and bonafide.

Learned counsel for respondent no.2-complainant 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 parties. He has, thus, prayed that FIR and subsequent proceedings may be quashed.

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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, this petition is

allowed and FIR No.459 dated 17.09.2015 registered under Sections 324, 34 IPC at Police Station South Sector 34, District U.T. Chandigarh and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 09, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No