

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

220

**CRM-M-54618-2019
Decided on : 23.09.2021**

Honey Sood and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 41 dated 07.03.2017 registered under Sections 452, 427, 506, 148, 149, 120-B of IPC, 1860 registered at Police Station Bhargo Camp, District Jalandhar and all subsequent proceedings arising therefrom on the basis of the compromise dated 12.12.2019 (Annexure P-2).

When the matter came up before a Co-ordinate Bench of this Court on 19.12.2019, the following order was passed:-

“Learned counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No. 41 dated 07.03.2017 registered under Sections 452, 427, 506, 148, 149 and 120-B of the Indian Penal Code, 1860 at Police Station Bhargo Camp, District Jalandhar and all subsequent proceedings arising therefrom.

Notice of motion for 22.01.2020.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Vikas Bishnoi, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 and has admitted the factum of compromise.

Copies of the paper book have been supplied to the learned Counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 04.01.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case.*

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Jalandhar to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In view of statements given by parties following report is hereby submitted as desired by your goods self:

(1) *It is respectfully submitted that there are seven persons namely Honey Sood, Hema Sood, Rohan @ Gharu, Amandeep Thapar @ Bheema, Amit Sharma, Manpreet Singh @ Mangu and Gaurav Divedi arrayed as accused in the FIR.*

(2) *It is respectfully submitted that no accused is proclaimed offender.*

(3) *It is respectfully submitted that in view of statement given by complainant Baldev Raj Arora and accused Rohan Gharu this Court is of the considered opinion that compromise effected between is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.*

(4) *It is respectfully submitted that statement of MHC ASI Nirmal Singh was already recorded on 18.01.2020 and details of FIR's has already been sent to Hon'ble Punjab & Haryana High Court vide report of this court bearing No. 17 dt. 20.01.2020 regarding involvement of accused in another FIRs. (Copy of report bearing No. 17 dt. 20.01.2020 is attached herewith).*

(5) *It is respectfully submitted that the present case titled as State Vs. Honey Sood & Ors, bearing FIR No. 41/2017 is fixed for 06.10.2021 for evidence of the prosecution.*

It is respectfully submitted that statement of Investigating Officer, Inspector Satnam Singh already recorded on 17.01.2020 (Details regarding complainant/victim already sent to Hon'ble Punjab & Haryana High Court, vide report of this court bearing No. 17 dated 20.01.2020) and as per the statement of Investigating Officer, Inspector Satnam Singh dated 17.01.2020, there is only one complainant/victim in the present case namely Baldev Singh Raj Arora. (copy of report bearing No. 17 dt. 20.01.2020 is attached herewith).

This report along with statements of parties is submitted, as desired by the Hon'ble High Court vide its order dated 05.08.2021.

Submitted please."

A perusal of the said report would show that statements of

the concerned persons have been recorded in the case, who have stated

that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid.

Learned counsel for the petitioners has submitted that there is one more case against some of the petitioners. Learned counsel for the State has submitted that this fact is correct.

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. Although, there is one more case against some of the petitioners but however, 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. 41 dated 07.03.2017 registered under Sections 452, 427, 506, 148, 149, 120-B of IPC, 1860 registered at Police Station Bhargo Camp, District Jalandhar and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

23.09.2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No