

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-878-2021
Decided on : 05.05.2022

Amit Chotala and others

. . . Petitioners

Versus

State of U.T. Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sunil Kumar, Advocate
for the petitioners.

Mr. Amit Kumar Goyal, APP, U.T. Chandigarh.

Mr. Jaswinder Singh, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 27 dated 09.02.2020 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, Sector 17-E, Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 08.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“In this petition, the Petitioners, who are the accused persons in F.I.R No.27, dated 09.02.2020, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station

Women Cell, Sector 17-E, Chandigarh (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

Ld. Counsel for the Petitioners refers to the Compromise Deed (Annexure P-3), and states that the matter has been amicably settled between the parties.

Notice of motion.

Mr. A.K. Goyal, APP, U.T., Chandigarh to accept notice on behalf of Respondent No.1. A copy of the Paper-book be supplied to him.

At this stage, Mr. Jaswinder Singh, Advocate has put in appearance on behalf of Respondent No.2-Complainant through Video Conferencing and admits the factum of compromise.

In view of the matter, the parties shall appear before the Ld. Trial Court/Illaqe Magistrate on 05.02.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaqe Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 08.05.2021.

Sd/-
January 08 ,2021 (SUDIP AHLUWALIA)
JUDGE”

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

“The point-wise report is as under:

- (i) As per statement of the IO ASI Sanjiv Kumar, there are three accused persons namely Amit Chotala (husband), Ram Kumar (father-in-law) and Reeta Chotala (mother in-law) in the present FIR.*
- (ii) As per statement of IO ASI Sanjiv Kumar, the accused persons have not been declared as proclaimed offender by any Court of law in any case till today.*
- (iii) The compromise entered into in between the parties i.e. complainant Ritika Chotala and accused Amit Chotala, Ram Kumar and Reeta Chotala appears to be genuine and without any pressure, coercion or threat. Statement of the parties have been recorded before the undersigned. The parties i.e. the complainant and the accused persons have been duly identified by their respective counsel and in order to prove their identity, the parties have also placed on record their self attested ID Cards.*

Accordingly, the compliance report is sent herewith for your kind perusal

please along-with the statements of complainant Ritika Chotala and statement of accused Amit Chotala, Ram Kumar and Reeta Chotala along with the statements of their counsel identifying them and Investigating Officer namely ASI Sanjiv Kumar, No. 289/CP, WPS Sector 17, copies of identity cards of the complainant and accused Ex. C1 to C4.

Thanking You,”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners have been recorded in the case and they 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 and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent No. 2 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 27 dated 09.02.2020 under Sections 406 and 498-A of the Indian Penal Code,1860 registered at Police Station Women Cell, Sector 17-E, Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 5th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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