

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(269)

CRM-M-4572-2022

Date of decision: - 11.05.2022

Baljit Raj

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. L.S. Lakhanpal, Advocate, for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Gursharan Singh, Advocate, for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.174 dated 08.07.2021 registered under Section 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals Act, 2014 at Police Station City Phagwara, District Kapurthala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.03.2022, 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.174 dated 08.07.2021 registered under Section 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals Act, 2014 at Police Station City Phagwara, District Kapurthala (Annexure P-1) and all the subsequent proceedings arising

therefrom on the basis of compromise.

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

Notice of motion for 11.05.2022.

On asking of the Court, Mr. Harpreet S. Multani, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Gursharan Singh, 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, the report has been submitted by the Sub Divisional Judicial Magistrate Phagwara to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“Respected Sir,

It is humbly submitted that in compliance of the order dated 28.03.2022, passed by Hon'ble Punjab & Haryana High Court in CRM-M 4572-2022, the undersigned recorded statements of the parties. Respondent/complainant Husan Lal has suffered a statement that he has compromised the matter with petitioner accused Baljit Raj son of Sh.Dass Ram, resident of Village Kaddian, Tehsil Phillaur, District Jalandhar (Rural) in case FIR No. 174 dated 08.07.2021, U/s

420 IPC and section 13 of Punjab Travel Professionals Act. 2014, PS. City, Phagwar with the intervention of the respectables and friends. Now, he has no grudge and enmity against said accused. He has settled the matter voluntarily without any coercion or undue influence. Their compromise may kindly be accepted.

xxx xxx xxx

5. *As per statement of Investigating Officer there is one victim/complainant namely Husna Lal, on whose application the present FIR was registered against accused Baljit Raj.*

In view of the above statements suffered by the parties, this Court is satisfied that compromise between the parties has been effected voluntarily without any threat or coercion and is genuine. The attested photocopies of statements of the parties, their Aadhar Cards are annexed herewith for kind perusal of your good-self and necessary action, please. The report is hereby submitted accordingly.

Thanking You

Yours faithfully,

(Sukhwinder Singh)

Sub Divisional Judicial Magistrate.

Phagwara"

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 there genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.2 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.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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.174 dated 08.07.2021 registered under Section 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals Act, 2014 at Police Station City Phagwara, District Kapurthala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

May 11, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No