

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

299

CRM-M-2628-2021
Decided on : 04.05.2022

Bhrigu Narayan Dubey

. . . Petitioner

Versus

State of U.T. Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. J. S. Toor, Addl. P.P., U.T., Chandigarh.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 204 dated 03.10.2019 under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station West Sector-11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

On 09.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:

“Heard through video conferencing.

Learned counsel for the petitioner contends that the statements of the parties could not be recorded and prays for another opportunity to do so.

The parties shall appear before the trial Court for recording their statements before the trial Court on 18.02.2021 in terms of the previous order of this Court.

List on 22.03.2021.

*Sd/-
09.02.2021 (ANUPINDER SINGH GREWAL)
JUDGE”*

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

“Respected Sir,

I have the honour to submit that in the above said case, vide order dated 09.02.2021 passed by the Hon'ble Punjab & Haryana High Court, parties were directed to appear before the trial court to get their statements recorded regarding compromise.

Accordingly, parties appeared on 18.02.2021 and statement of complainant Narender Pal Garg was recorded in the court, in which he has stated that the case FIR bearing No.204 dated 03.10.2019 under Section 406, 420, 120-B IPC, PS-11, Chandigarh was registered on the complaint of complainant. Now he has compromised the matter with the accused namely Bhrigu Narayan Dubey. The copy of the compromise deed is already placed on record in the quashing petition filed in the Hon'ble High Court. Copy of the same is Ex.P-1 and the said compromise has been executed between them without any pressure or coercion from any side. It is with his free will and the compromise is genuine and voluntary. He is the only affected party in the present FIR. He has no objection if the above said FIR is quashed, against the above said accused person. All his

financial issues have been settled with the accused person namely Bhriugu Narayan Dubey and now nothing is due against each other. He undertakes not to initiate any civil and criminal proceeding against the accused in future regarding the present dispute.

xxx—xxx--xxx

Queries were also put to the parties regarding the genuineness of the compromise during the proceedings. During query, parties have replied that the compromise has been entered into with their free Will without any threat, coercion or undue influence from any corner. Further, as per the statements, accused Bhriugu Narayan Dubey is not facing trial/investigation/enquiry in any other criminal case. It is pertinent to mention here that there are total four accused persons in the present case namely Bhirgu Narayan Dubey, Rakesh Kumar Singh Chandel, Mukesh Kumar and Nikhil Jamnare. But for recording the statement on 18.02.2021 only one accused namely Bhirgu Narayan Dubey has appeared and recorded his statement. Other three accused persons have not appeared on the said date ie 18.02.2021.

The photocopies of the statements of the parties dated 18.02.2021 are annexed herewith for kind perusal.

Your good-self is requested to place this report before the Hon'ble High Court for passing further necessary orders in this respect.

Submitted please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioner 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.

As per the above-reproduced report, there are four accused persons in the present case and the present petition has been filed by only one accused and a prayer has been made by counsel for the petitioner that the FIR be quashed qua the present petitioner.

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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, the petition is allowed and FIR No. 204 dated 03.10.2019 under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station West Sector-11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the present petitioner.

(VIKAS BAHL)
JUDGE

May 4th, 2022
Mehak

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