

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257-2

CRM-M-3147-2021
Decided on : 08.07.2022

Amit Kalyan and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Piyush Gill, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vinay Puri, Advocate
for respondent No. 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 237 dated 10.09.2020 under Sections 452, 323, 324, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Division No. 7, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 22.01.2021, 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.237, dated 10.09.2020, under Sections 452, 323, 324, 148, 149 of the Indian Penal Code, registered at Police Station Division No.7, District Jalandhar (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. B.S. Sewak, Addl. Advocate General, Punjab to accept notice on behalf of Respondents No.1 to 3. Requisite number of copies of the Paper-books be supplied to him.

At this stage, Mr. Vinay Puri, Advocate has put in appearance on behalf of Respondent No.4 through Video Conferencing and admits the factum of compromise.

In view of the matter, the parties shall appear before the Ld. Trial Court/Illaq Magistrate on 23.02.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq 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 28.05.2021.

January 22, 2021 *Sd/-
(SUDIP AHLUWALIA)
JUDGE”*

In pursuance of the said order, a report has been submitted

by the Chief Judicial Magistrate, Jalandhar to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Keeping in view all aspects and statements of the respondent no.4 and that of accused/petitioner above named, I am of the considered view that respondent no.4 has arrived at a compromise petitioners/accused voluntary, without any threat, pressure or coercion from any side and compromise is genuine and valid.

To ascertain the fact regarding the name and number of the accused involved and whether any of the accused has been declared proclamation proceedings in this case, the statement of SI Surjit Singh Investigating Officer of this case has been recorded who stated that cross case arising out of FIR of this case was registered on the statement of complainant Rohit Kumar against accused Amit Kalyan, Vicky @ Ricky and Kabal Singh and there are three accused in the present cross case and none of them has been declared proclaimed offender by any of the Court.

Photostat copies of the statements of the respondent no.4, accused/petitioner, Investigating Officer and copy of compromise deed are attached herewith for the kind perusal of His Lordship.

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of respondent No. 4 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 respondent No. 4 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. 4 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. 237 dated 10.09.2020 under Sections 452, 323, 324, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Division No. 7, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

July 8th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No