

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M-3043-2020
Decided on : 10.05.2022

Ekta Sehgal

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Haryana.

Mr. Eklavya Gupta, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 19 dated 23.02.2018 under Sections 323 and 324 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Sadar Hoshiarpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.01.2020, a coordinate Bench of this Court was pleased to pass the following order:-

“Prayer made in this petition is for quashing of FIR on the basis of compromise. Notice of motion for 27.03.2020.

Mr. Eklavya Gupta, Advocate appears on behalf of respondent No.2.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate

on 04.02.2020 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

*Sd/-
23.01.2020 (RAJ MOHAN SINGH)
JUDGE”*

In pursuance of the said order, a report has been submitted by the Additional Chief Judicial Magistrate, Hoshiarpur to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“2. Today i.e. 4.2.2020 complainant Suksham Rani wife of late Sushil Kumar has appeared. Complainant made statement that the present FIR was lodged against only accused Ekta Sehgal on her statement. In the present case, she has compromised the matter with the accused with the intervention of respectables from both the sides. The said compromise has been effected voluntarily without any undue pressure, influence, coercion or any kind of pressure from any side.

3. Similarly, accused Ekta Sehgal has made statement that an FIR No.19 dated 23.2.2019 U/S 323,324 IPC and Section 326 IPC added later, was registered at PS Sadar, Hoshiarpur against her on the statement made by Suksham Rani. In the present case, she has compromise the matter with the complainant with the intervention of

respectables from both the sides.

4. It is further humbly submitted that ASI Raj Kumar No. 1979, PS Sadar, Hoshiarpur appeared and made statement that he was the investigating officer in the present case. In the present FIR Ekta Sehgal is the only accused and no one has been declared as proclaimed person.

7. In these all circumstances and from the statement made by complainant Suksham Rani as well as accused Ekta Sehgal, I am satisfied that a volunteer and genuine compromise has been arrived at between the parties. Further, as per statement of ASI Raj Kumar in the present FIR none of the accused person is declared proclaimed person.

The report is submitted please, along with statements of parties for further proceedings.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioner 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is 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 petitioner 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. 19 dated 23.02.2018 under Sections 323 and 324 of the Indian Penal Code,1860 (Section 326 IPC added later on) registered at Police Station Sadar Hoshiarpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 10th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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