

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(247)

CRM-M-5736-2022

Date of decision: - 10.03.2022

Keshav Gupta and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gurminder Singh Salana, Advocate,
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Vinay K. Gupta, Advocate
for respondents No.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.171 dated 11.07.2013, registered under Sections 451, 323, 341, 294, 506 and 34 IPC, at Police Station Phase-I, SAS Nagar, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 11.02.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.171 dated 11.07.2013, registered under Sections 451, 323, 341, 294, 506 and 34 IPC, at Police Station Phase-I, SAS

Nagar, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 10.03.2022.

On asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Vinay K. Gupta, Advocate appears on behalf of respondent Nos.2 to 4.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

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 Chief Judicial Magistrate, SAS Nagar, Mohali to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“From the above statements of the parties and the IO, the following report is submitted: -

- 1. There are 3 persons arrayed as accused in this FIR. 171 dated 11.07.2013 P.S. Phase-1 Mohali i.e. Keshav Gupta, Shivay Gupta and Raghav Gupta.*

2. *No accused has been declared as proclaimed offender in this case.*
3. *From the statement of the parties, it appears that compromise is genuine, voluntary and without coercion or undue influence.*
4. *As per the statement of parties and IO, the accused persons are not involved in any other FIR.*
5. *From the statement of 10 as well as complainant Jasbir Singh alongwith injured/ victims Bhupinder Kaur and Manpreet Kaur, it is reflected that in addition to complainant Jasbir Singh there are two more victims. namely Bhupinder Kaur and Manpreet Kaur and all of them have compromised the matter with the accused persons as per their statement given in the court.*

The report is submitted for kind perusal. The next date before the Hon'ble High Court is 10.03.2022.

Thanking you

Encls.

1. *Original joint statement of complainant Jasbir Singh, Injured/ victims Bhupinder Kaur and Manpreet Kaur.*
2. *Original joint statement of accused persons namely Keshav Gupta, Shiv, Shivay Gupta and Raghav Gupta.*
3. *Original statement of IO Retired SI Sulekh Chand and ASI Raj Kumar.*
4. *Certified copy of zimni orders dated 18.02.2022, 21.02.2022, 22.02.2022 and 24.02.2022.*

Yours Sincerely

*Pamelpreet Grewal Kahal, PCS,
Chief Judicial Magistrate,
SAS Nagar, Mohali. ”*

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 petitioners has submitted that there is no other FIR against the petitioners 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 respondents No.2 to 4 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 petitioners 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 feel that the same was 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.171 dated 11.07.2013, registered under Sections 451, 323, 341, 294, 506 and 34 IPC, at Police Station Phase-I, SAS Nagar, District SAS Nagar (Mohali) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

March 10, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No