

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-5509-2022

Date of decision : 12.07.2022

Sudesh Kumar @ Raju and others

... Petitioners

Versus

State of Punjab and another

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Ms.Sehej Sandhawalia, Advocate  
for the petitioners.

Mr.Hittan Nehra, Addl.A.G. Punjab.

Mr.Vansh Chawla, Advocate for  
Mr.Yuvraj Bhardwaj, Advocate  
for respondent no.2-complainant.

**VIKAS BAHL, J.(ORAL)**

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.218 dated 02.11.2017 registered under Sections 452, 323, 506, 34 at Police Station Rama Mandi, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

On 10.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

*“By way of filing the instant petition, the petitioners have sought indulgence of this Court in quashing of FIR No.218 dated 02.11.2017, registered under Sections 452, 323, 506 and 34 IPC at Police Station Rama Mandi, Jalandhar and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.*

*Notice of motion.*

*Mr. Ramandeep Sandhu, Senior Deputy Advocate General,  
Punjab accepts notice on behalf of the respondent-State. Mr.*

*Yuvraj Bhardwaj, Advocate puts in appearance on behalf of respondent No. 2- complainant by filing vakalatnama through e-mail, print out of which is taken on record and admits the factum of compromise effected between the parties.*

*Since the parties have moved this Court for quashing of the FIR on the basis of the compromise, they are directed to appear before trial Court/Illaq Magistrate on 15.02.2022 or on any other date convenient to the Court, for recording their statements with regard to the genuineness and authenticity of compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 05.04.2022 containing the following information:-*

- 1. Number of persons arrayed as accused in FIR.*
- 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 case or not.*
- 5. Whether all the parties named in the FIR have made their statement regarding the compromise.*
- 6. Current stage of the case.*

*Report of the Illaq Magistrate/trial Court be awaited for the date fixed. Reply on behalf of State also be filed.*

*In the meantime, proceedings before learned trial Court shall remain stayed.*

**(SANT PARKASH)  
JUDGE**

*10.02.2022”*

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Jalandhar. The relevant portion of the said report is reproduced hereinbelow:-

*“ The report as per the statement of the parties the report as directed by the Hon'ble High Court is submitted as under:*

*(1) As per the statement of the investigating officer and the complainant, there are four accused in the present case namely Sudesh Kumar @ Raju s/o Ved Parkash r/o house no.2 Diamond City Deep Nagar Jalandhar, Chetan Singh Monu S/o Prem Chand*

*r/o quarter no.181D Railway Colony no.3 Dakoha Jalandhar, Jatinder Kumar @ Subham s/o Narinder Kumar r/o house no. 198, Phase no. I Ekta Nagar Rama Mandi, Jalandhar and Tejinder Sharma @ Tannu s/o Ram Lubhaya r/o quarter no.211, Railway Colony no.3, Jalandhar.*

*(2) As per the statement of the investigating officer, none of the accused is a proclaimed offender.*

*(3) This court, after hearing the parties in persons and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the parties are not the result of any pressure and coercion.*

*(4) As per the statement of the investigating officer, there is no other FIR pending against the accused persons except the present FIR.*

*(5) One accused namely Tejinder Sharma @ Tannu s/o Ram Lubhaya r/o quarter no.211, Railway Colony no.3, Jalandhar has not recorded his statement in the court.*

*The complainant Anil Kumar and aggrieved persons namely Monika and Deep Kamal have appeared in the court and have recorded their statements. The accused persons namely Sudesh Kumar @ Raju s/o Ved Parkash, Chetan Singh @ Monu S/o Prem Chand, Jatinder Kumar @ Subham s/o Narinder Kumar have also appeared in the court and recorded their statements.*

*(6) The case is fixed for recording evidence of the prosecution.*

*Report is accordingly submitted to be presented in CRM-M-5509 of 2022 pending for 05.04.2022 before the Hon'ble Punjab & Haryana High Court, Chandigarh.*

*Thanking you.*

*Yours faithfully,*

*(Gurkiran Singh),  
Judicial Magistrate 1st Class,  
Jalandhar/UID No. PB0412*

A perusal of the above said report would show that the complainant as well as aggrieved persons namely Monika and Deep Kamal

have given statement that they have compromised the matter with all the

DAVINDER KUMAR  
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I attest to the accuracy and  
authenticity of this order

four petitioners and they have no objection in case the FIR is quashed. The said statements are also annexed with the report. A further perusal of the report would show that one of the petitioner Tejinder Sharma has not got recorded his statement. Said Tejinder Sharma is also one of the petitioners who is also seeking quashing of FIR on the basis of compromise and the complainant as well as victims have no objection in case the FIR is quashed. Even counsel appearing for respondent no.2-complainant has submitted that he has no objection in case the FIR is quashed. The statements made by the parties with respect to the compromise have been found to be voluntary, genuine, and out of free will. Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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 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 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.”*

Keeping in view of the above said facts and circumstances, this petition is allowed and FIR no.218 dated 02.11.2017 registered under Sections 452, 323, 506, 34 at Police Station Rama Mandi, Jalandhar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**July 12, 2022.**

*Davinder Kumar*

**(VIKAS BAHL)  
JUDGE**

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No