

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-5309-2022
Decided on : 05.05.2022

Saurav Seth

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Krishan Kanha, Advocate for
Mr. N. S. Lucky, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 26 dated 28.01.2022 under Sections 295 and 34 of the Indian Penal Code, 1860 registered at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 11.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the parties have submitted that in pursuance of the order dated 09.02.2022, the parties could not appear before the trial Court and seek one more opportunity for the parties to appear before the trial Court and record their statements.

The parties are again directed to appear before the Illaqa Magistrate/trial Court for

recording their statements qua compromise within a period of one month.

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.*

Adjourned to 05.05.2022.

The statements of the parties be recorded subject to cost of Rs. 5,000/- to be deposited by the petitioner with the High Court Lawyers' Welfare Fund. The said amount would be deposited prior to giving the statements of the parties and the trial Court would only permit them to record their statements after the petitioner show the receipt of the same.

In case, the cost of Rs.5,000/- is not deposited by the petitioners with the High Court Lawyers' Welfare Fund, then the present petition would be deemed to have been dismissed.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, an amount of Rs.5,000/- has been deposited in the High Court Lawyers' Welfare Fund vide receipt No. 2518 dated 21.03.2022.

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

“Investigation Officer namely ASI Manjit Singh No. 2707 of the present case has also come present for recording his statement regarding the fact that there is onely one compainant in the present FIR.

As per report of Ahlmad, only one person has been arrayed as accused in FIR namely Saurav Seth, no accused has been declared proclaimed person. From the statements of parties, the undersigned is of the opinion that compromise has been reached between the parties is genuine, voluntary and without any coercion or undue influence, no accused is not involved in any other FIR and statement of Investigating Officer has also been recorded to the fact that there is only one complainant namely Deepak Singh.”

A perusal of the above report would show that it has been stated that the statements of Complainant 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 the complainant 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.

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. 26 dated 28.01.2022 under Sections 295 and 34 of the Indian Penal Code,1860 registered at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 5th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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