

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-6351-2021
Decided on : 09.05.2022

Surinder Kumar and others

. . . Petitioners

Versus

Union Territory, Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Arun Kumar Batra, Advocate
for the petitioners.

Mr. Anupam Bansal, Addl. P.P., Chandigarh.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 57 dated 14.07.2020 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Women Police Station, Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 11.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek quashing of FIR No.57 dated 14.07.2020

registered under Sections 406, 498-A IPC at Police Station Women Police Station, Chandigarh and all the subsequent proceedings arising thereto, on the basis of compromise deed dated 15.12.2020 (Annexure P-2).

Learned counsel for the petitioners states that with the intervention of respectables, the compromise has been effected between the parties and they have decided to bury the hatchet enabling them to live with peace and harmony.

Notice of motion.

Mr. Ashu Mohan Punchhi, P.P., U.T. Chandigarh assisted by Mr. Anupam Bansal, Advocate, accepts notice on behalf of respondent No.1-State.

Mr. Varinder Chibbar, Advocate appears for respondent No.2 and has not disputed the factum of the compromise.

In view of the above, the parties are directed to appear before the Illaqa Magistrate/trial Court on 04.03.2021 or any other date convenient to the Court concerned for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements*

in support of the compromise;

3. the stage of trial/proceedings;

*4. If the compromise is genuine, voluntary
and out of free will of the parties;*

*Report of the Illaqa Magistrate/trial Court be
awaited for 11.05.2021.*

Sd/-

11.02.2021

*(HARNARESH SINGH GILL)
JUDGE”*

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

“The point wise report is as under:

i) As per report of Investigating Officer ASI Satish Kumar, No. 1520/CHG, in the present FIR, there are three accused namely Surinder Kumar, Shashi Bala and Sahil Kumar @ Sahil Ahuja and one complainant namely Shabnam and accused persons are regularly appearing in the case and are not declared absconding/P.O. in this case.

ii) As per report of Investigating Officer ASI Satish Kumar, No. 1520/CHG, in this FIR, the name of complainant is Shabnam and she has made her statement before the court regarding compromise.

iii) The case is at initial stage and challan of the present FIR is not produced in the court.

iv) The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence.

Accordingly, the compliance report is sent herewith for your kind perusal please alongwith copy of statements of complainant Shabnam and accused Surinder Kumar, Shashi Bala and Sahil Kumar @ Sahil Ahuja through Special Power of Attorney Surinder Kumar, Investigating Officer ASI Satish Kumar, No. 1520/CHG and Compromise/Settlement dated 04.03.2021 as Mark C1.

Thanking You,”

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. 57 dated 14.07.2020 under Sections 406 and 498-A of the Indian Penal Code,1860 registered at Police Station Women Police Station, Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 9th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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