

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.269

CRM-M-5478-2022

Date of Decision: September 12, 2022

Ravinder Singh @ Bhola

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Amit Gupta, Advocate for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

Ms. Jyotika Panesar, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.111, dated 07.05.2019, under Sections 420 and 120-B of the IPC and Section 24 of the Immigration Act, registered at Police Station Division No.6, District Police Commissionerate, Ludhiana, and all other consequential proceedings arising therefrom on the basis of the compromise.

On 09.02.22, this Court had passed the following order:-

“ By filing this petition, quashing of FIR No.111 dated 7.5.2019, under Sections 420 and 120-B IPC and Section 24 of Immigration Act, registered at Police Station Division No.6, District Police Commissionerate, Ludhiana and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Rehat Bir Singh Mann, DAG, Punjab and Ms. Jyotika Panesar, Advocate accept notice on behalf of respondent No.1-State and respondent No.2 respectively.

Parties may appear before concerned trial Court/Duty Magistrate on 23.2.2022 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 16.5.2022. ”

Pursuant to the aforesaid order, report dated 23.03.2022 has been received from the Judicial Magistrate 1st Class, Ludhiana. The relevant portion of the said report is as under:-

“5. Both the parties have been identified by respective counsel.

i. From the statements of the parties, it appears that compromise is genuine and voluntary and without any inducement, threat or pressure.

ii. There is one accused namely Ravinder Singh @ Bhola son of Surinder Singh, resident of House No.6866/2, Street No.12, New Zanta Nagar, Distt. Ludhiana and he is on bail in the present case.

iii. Except the present FIR i.e. FIR No.111 dated 07.05.2019 U/s 420, 120-B IPC and Section 24 of Immigration Act, P.S. Division No.6, Ludhiana, no other FIR had been registered against the accused Ravinder Singh @ Bhola. ””

A perusal of the said report reveals that statements of the

concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there is only accused person and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and no other case is pending against the petitioner except present case.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view 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 the above, the petition is allowed and FIR No.111, dated 07.05.2019, under Sections 420 and 120-B of the IPC and Section 24 of the Immigration Act, registered at Police Station Division No.6, District Police Commissionerate, Ludhiana, and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

September 12, 2022

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(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No