

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M-6998-2021
Decided on : 05.05.2022

Robin Bhalla

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Varling Garg, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 217 dated 10.10.2020 under Section 420 of the Indian Penal Code, 1860 registered at Police Station Goraya, Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 22.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in the application is for correction in the order dated 18.03.2021 passed by this Court.

Notice of the application.

On asking of the Court, Mr. A.A. Pathak,

Addl. A.G., Punjab, accepts notice on behalf of respondent No.1-State. Mr. Varlin Garg, Advocate has put in appearance on behalf of respondents No.2 and 3. They have no objection, in case, the correction is carried out.

Para 2 of the order dated 18.03.2021, is ordered to be corrected and same shall be read as follows:-

“Counsel for the petitioner submits that the FIR registered by the complainants/respondents No.2 and 3, is a result of some monetary dispute between the parties, which has been settled by virtue of compromise, Annexure P-2. He submits that the accused-petitioner has agreed to pay a sum of Rs.27 lac to the complainants, out of which Rs.18 lac has been paid and the balance is to be paid at the time of recording of their statements before the trial Court/Illaq Magistrate. He has referred to Para 7 of the petition to submit that the petitioner has not been declared as Proclaimed Offender.

A request has been made by counsel representing the parties for fixing of a fresh date for recording of the statement of the parties in pursuance to the order dated 18.03.2021.

Let the parties appear before the trial Court/Illaq Magistrate on 18.05.2021. Report of the Court be awaited for the date already fixed.

Application stands disposed of. ”

22.04.2021

*Sd/-
(SUVIR SEHGAL)
JUDGE”*

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

“As desired, the report is as follows:

- 1. Only one person namely Robin Bhalla is arraigned as accused in the present FIR and he has appeared before this court and made statement and as per statement of Investigating Officer SI Jagdish Lal No. 798TT PS Goraya he is not absconding/PO in the present case*
- 2. The name of complainant is Tarlochan Singh son of Sarwan Singh and his wife Charanjeet Kaur is also aggrieved person in the present FIR and both of them have appeared and made their statements in support of compromise.*
- 3. In the present case, the challan has been presented and the case is fixed for 31.08.2021 for appearance of the accused.*
- 4. From the statement of the parties, it appears to the Court that the compromise is genuine, voluntary and the same has been effected compromise without any pressure, coercion and with the free consent of the parties.*
- 5. As per statement of SI Jagdish Lal No. 798TT PS Goraya (Investigating Officer), no other criminal case is pending against the accused Robin Bhalla.*

6. *The copies of the statement of the persons named above (parties) and their identity proofs are enclosed herewith for kind perusal of the Hon'ble Punjab & Haryana High Court.*

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the aggrieved person and the petitioner 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 petitioner 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. 217 dated 10.10.2020 under Section 420 of the Indian Penal Code,1860 registered at Police Station Goraya, Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 5th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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