

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248-A

CRM-M-7435-2021 (O&M)
Decided on : 08.03.2022

Karan Kangra

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Abhinav Aggarwal, Advocate
for respondent No. 2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-3461-2021

Present application has been filed under Section 482 Cr.P.C.
for placing on record the compromise, Affidavit of the respondent No. 2
and affidavit of the petitioner as Annexures A-1 to A-3 respectively.

For the reasons mentioned in the application, same is allowed
subject to all just exceptions and Annexures A-1 to A-3 are taken on
record.

Main Case

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 38 dated 28.01.2021 registered under Section 406 of the Indian

Penal Code,1860 registered at Police Station Division No. 5, Police Commissionerate, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 08.02.2022, the following order was passed:-

“CRM-3598-2022

This is an application filed under Section 482 of Cr.P.C. for extension of time and for recording of the statements of the parties.

Learned counsel for the applicant/petitioner has submitted that the main case is listed for 11.02.2022 and thus, prayed that the date of hearing in the main case may kindly be preponed from 11.02.2022 to today and another opportunity may kindly be given to the parties to get their statements recorded before the trial Court as they could not get their statements recorded on the given date, due to the 3rd wave of COVID-19 pandemic which is prevailing in the country.

In view of the abovesaid facts and averments made in the application, application is allowed.

Main case is taken on Board today itself.

Main case

Both the parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days from today.

List this matter on 02.03.2022.

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.”*

In pursuance of the said order, a report has been submitted by the Additional Chief Judicial Magistrate, Ludhiana to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“3. Upon perusal of above statements and documents available on record, this court submits requisite report as under:

- (i) Only one person namely Karan Kangra has been arrayed in the instant FIR.*
- (ii) None of the accused has been declared proclaimed offender.*
- (iii) Compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*
- (iv) Accused of this case namely Karan Kangra, besides this case bearing FIR No.38, is involved four other cases also i.e. case bearing FIR No.194 dated 30.07.2021 U/s 406, 420 IPC, PS Div. No.2, Ludhiana, FIR No.199 dated 31.07.2021 U/s 406, 420 IPC, PS Div. No.2, Ludhiana, FIR No.247 dated 11.08.2021 U/s 406, 420 IPC, PS Div. No.8. Ludhiana and FIR No.34 dated 09.02.2021 U/s 406 IPC, PS Div. No.3, Ludhiana. However, FIR of one case bearing No.34 dated 09.02.2021 U/s*

406 IPC, PS Div. No.3, Ludhiana has already been quashed by the Hon'ble High Court. Whereas quashing petitions with regard to other all cases except case bearing FIR No.247 dated 11.08.2021 U/s 406, 420 IPC, PS Div. No.8, Ludhiana are pending before the Hon'ble High Court.

(v) In this case there is only one victim/complainant namely Sonu son of Krishan Lal.

4. Above referred documents and statements are enclosed herewith for kind consideration of the Hon'ble Court. Hence, this report of compliance of order dated 08.02.2022 is hereby submitted for kind consideration and for further necessary orders, if any.

Thanking you,"

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. The fact that the petitioner is involved in other cases would not come in the way of quashing of the present FIR on the basis of compromise. 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 never declared proclaimed offender in the present case.

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

Learned counsel for respondent No. 2 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, this Court finds that the matter has been amicably settled between the petitioner 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 38 dated 28.01.2021 registered under Section 406 of the Indian Penal Code,1860 registered at Police Station Division No. 5, Police Commissionerate, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

March 8th, 2022
Mehak

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