

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248

CRM-M-5855-2020
Decided on : 20.05.2022

Brij Pal and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Anurag Singh Tagra, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Ms. Jai Madhu Dogra, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 52 dated 12.04.2014 under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 registered at Police Station Kurali, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 10.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer made in this petition is for quashing of FIR on the basis of compromise. Notice of motion for 1.4.2020.

At this stage, Ms.Jai Madhu Dogra, Advocate appears and accepts notice on behalf of respondent No.2.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 24.2.2020 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

*Sd/-
February 10,2020 (RAJ MOHAN SINGH)
JUDGE”*

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

“From the statements of the parties so recorded in the court on oath, the undersigned is submitting the report, as desired by Hon'ble High Court, to the effect that as per the statements of the parties and perusal of FIR available on record, there are only two accused persons i.e. Brij Pal Singh and Raj Kumari, in the present FIR; as per the statements of parties, none of the parties has been declared as Proclaimed Offender and that as per the statements of parties, the compromise is genuine, voluntary and without any coercion or undue influence.

Report is submitted please.”

A perusal of the above report would show that the statements of both the parties 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 statements 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.

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 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. 52 dated 12.04.2014 under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 registered at Police Station Kurali, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 20th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No