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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5804-2020
Date of decision : 11.10.2022

Vineet Verma

...Petitioner

Versus

UT Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rohit Sharma, Advocate for the petitioner.

Mr. Rajiv Vij, Addl. PP UT Chandigarh.

Mr. Sandeep Rai Sharma, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.112 dated 17.07.2019 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Mani Majra, Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise.

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

“CRM-4991-2020

Allowed as prayed for, subject to all just exceptions.

CRM-M-5804-2020

Ld. counsel for the petitioner refers to Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion.

At this stage, Mr. Sandeep Rai Sharma, Advocate has put

in appearance and filed his Power of Attorney on behalf of respondent No.2- complainant and admits the factum of compromise.

In view of the matter, the parties shall appear before the Trial Court/Illaq Magistrate on 16.03.2020, for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 19.05.2020.

Sd/-(SUDIP AHLUWALIA)

10.02.2020

JUDGE ”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Chandigarh. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

With reference to subject noted above, it is submitted that vide orders dated 10.02.2020 passed by Hon'ble High Court in the aforesaid case, the report of this Court was called to the effect whether the compromise, which has been arrived at between the parties, is volunteer and also to record statements of the affected parties. In compliance of said orders, the parties appeared before the undersigned on 16.03.2020. The statement of complainant Rajinder Kumar Yadav and accused Vineet Verma have been recorded separately. After going through statements made by said persons, this Court is of the opinion that the parties have settled the matter voluntarily, without any pressure/coercion from any quarter. No other criminal case is pending against the accused before this court, except the present

case. There is only one accused in the present case FIR. Accused has not been declared proclaimed offender in this case.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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. 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. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

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**”, reported as **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”, reported as 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.112 dated 17.07.2019 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Mani Majra, Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

11.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No