

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

247

CRM-M-7953-2021

Decided on : 06.05.2022

Neeraj and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. Sandeep Kumar, Advocate for  
Mr. Ritesh Pandey, Advocate  
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 150 dated 05.07.2020 under Sections 452, 427, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 19.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Case heard by video conferencing.*

*This petition has been filed seeking quashing of FIR no. 150 dated 05.07.2020, registered at Police Station Dhariwal, District Gurdaspur, for the alleged commission of offences punishable under Sections 452, 427, 148 and 149 of the IPC (as also all other subsequent proceedings arising therefrom), on the basis of a compromise arrived at between the petitioners and respondent no.2.*

*A copy of the compromise deed has been*

*annexed as Annexure P-2 with the petition.*

*Notice of motion be issued to the respondents. On the asking of the Court, Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice on behalf of the respondent State.*

*A copy of the petition be e-mailed to him today itself by learned counsel for the petitioners.*

*Adjourned to 11.05.2021.*

*Respondent no.2 be served by way of normal process.*

*In the meanwhile, the petitioners, as also respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 24.03.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.*

*That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.*

*The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.*

*February 19, 2021*                      *Sd/-  
(AMOL RATTAN SINGH)  
JUDGE"*

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

*“Respondent No. 2/complainant namely Aashish son of Lawrence Masih r/o Tarija Nagar, Police Station Dhariwal, Tehsil and District Gurdaspur appeared and suffered statement to the effect that the present case was got registered by him with Police Station Dhariwal, District Gurdaspur against petitioners/accused Neeraj, Rani, Nikhil, Mona alias Monika and Chinky alias Naina. Now the compromise has been arrived at between him and the petitioners. The compromise has been arrived at without any undue influence, inducement, threat or without any pressure. He has no objection, if the FIR in question is quashed on the basis of compromise. Photocopy of his adhar card is Annexure-C1. (Original statement and copy of his Aadhar card attached herewith).*

xxx—xxx--xxx

*It is submitted that from the statements of the parties, it appears that the compromise is genuine, voluntary and without any coercion or undue influence. Eye witness Ajay son of Prem Masih r/o Tarija Nagar has also supported the compromise, vide separate statement. There are only five accused persons namely Neeraj, Rani, Nikhil, Mona alias Monika and Chinky alias Naina in the present FIR case.*

*Report submitted, please.”*

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners 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 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.

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. 150 dated 05.07.2020 under Sections 452, 427, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 6<sup>th</sup>, 2022

Mehak

(VIKAS BAHL)  
JUDGE

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No