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

CRM-M-7477-2022
Date of decision : 16.12.2022

Vishal Rajput @ Sonu Rajput and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naveen Bawa, Advocate for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Vishnu Dutt, 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.210 dated 10.10.2021 registered under Sections 323, 451, 506, 149 of the Indian Penal Code, 1860 at Police Station Jamalpur, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“1. As prayed for, the application is allowed and the parties concerned are directed to mete compliance with the orders made by this Court on 22.02.2022, and, after their appearance for the requisite purpose, the learned Illaqa Magistrate concerned is directed to also mete compliance to the orders made, by this court on 22.02.2022.

2. Report of the Illaqa Magistrate be ensured to be placed on

record by the next date of hearing.

3. List the main case, on 25.08.2022.

4. In view of the compromise, in respect whereof the learned Illaqa Magistrate is directed to transmit his report to this Court, therefore, he is restrained, till further orders, from taking up any further judicial proceedings, in respect of FIR No.210 dated 10.10.2021, registered at Police Station Jamalpur, District Ludhiana.

Sd/-(SURESHWAR THAKUR)

18.05.2022

JUDGE”

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

“3. The name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise.

A. In this regard it is respectfully submitted that as per FIR one Sanjit Kumar is complainant as well as injured in their present FIR.

B. Further submitted that Sanjit Kumar appeared and suffered statement in support of compromise.

4. Stage of Trial:

A. In this regard it is respectfully submitted that challan in this FIR has been presented and at present the case is fixed for consideration on charge.

5. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

A: In this regard, it is respectfully submitted that as per the statement of all the parties and their demeanor before Court, the COMPROMISE BETWEEN THE PARTIES APPEARS TO BE GENUINE, VOLUNTARY AND OUT OF FREE WILL OF THE PARTIES.”

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 petitioners has submitted that the petitioners were 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 petitioners 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.210 dated 10.10.2021 registered under Sections 323, 451, 506, 149 of the Indian Penal Code, 1860 at Police Station Jamalpur, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

16.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No