

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

285

CRM-M-8174-2021
Decided on : 16.05.2022

Sanjeev Kumar Mishra

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vishnu Dutt, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 103 dated 31.10.2018 under Sections 498-A and 406 of the Indian Penal Code, 1860 registered at Police Station Women, District Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 22.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video-conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 14.05.2021

At this stage Mr. Vishnu Dutt, Advocate appears on behalf of the complainant.

In the meanwhile, parties would appear before the Illaqa Magistrate on 02.03.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.

*Sd/-
February 22, 2021 (RAJ MOHAN SINGH)
JUDGE”*

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

“Accordingly, the statements of the complainant/respondent Renu D/o Ram Parkash Pathak and W/o Sanjeev Kumar Mishra, aged about 32 years, earlier R/o # 212/168, St. no. 2, New Gagan Nagar. Giaspura, Ludhiana, presently residing at St. no. 2, Bachittar Nagar, Focal Point, Near Satyam Hospital. Ludhiana. Tehsil and District Ludhiana and petitioner/accused namely Sanjeev Kumar Mishra aged about 33 years S/o Byas Kumar Mishra (@) Uyash Kumar, earlier R/o 108, Railway Colony, Ludhiana, presently residing at St. no. 2, Bachittar Nagar, Focal Point, Near Satyam Hospital, Ludhiana, Tehsil and District Ludhiana, have been recorded. In their separate statements,

both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

As per contents of the FIR as well as statement of the parties and Investigating Officer and report of the concerned Ahlmad, it is submitted that the present FIR has been registered only against one person i.e. petitioner namely Sanjeev Kumar Mishra and he has not been declared as proclaimed offender in the present case.

As per statement of the Investigating Officer and accused, except the present case, no other criminal case/inquiry/complaint is pending against the accused/petitioner Sanjeev Kumar Mishra.

The statement of the complainant alongwith the statement of accused are being sent with this report for your's Honours kind perusal.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioner 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is 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 petitioner 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. 103 dated 31.10.2018 under Sections 498-A and 406 of the Indian Penal Code,1860 registered at Police Station Women, District Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 16th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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