

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

255

CRM-M-8237-2022
Decided on : 29.04.2022

Shilpa Pahwa and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Bharat Puri, Advocate
for the petitioners.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

Mr. Kapil Sharma, 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 17.04.2021 under Sections 406, 420, 379, 380 and 120-B of the Indian Penal Code, 1860 registered at Police Station Adampur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 25.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition that has been filed for quashing of FIR and all subsequent proceedings arising therefrom, on the basis that a compromise has been entered into between the parties.

Notice of motion for 29.04.2022.

At this stage, Mr. Hittan Nehra, Additional Advocate General, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of respondent-State. He would submit that cancellation report has already been prepared and is pending approval.

Mr. Kapil Sharma, Advocate, has caused appearance on behalf of respondent No.2. He admits to the factum of compromise.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate on 29.03.2022 or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 29.04.2022.

25.02.2022 *Sd/-
(JAISHREE THAKUR)
JUDGE”*

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

“The parties have got recorded their statements in the Court vide which complainant Madhu Bala has stated that she has entered into

the compromise with the accused Shilpa Pahwa, Subhash Chander Kochhar, Parveen Kochhar, Varun Kochhar, Esha Kakkar, Nitin Kakkar and Neha Soni in the presence of respectables and she entered into the said compromise voluntarily, without any pressure or threat from any side She has also submitted that she does not want to pursue with the present FIR and have no objection if the FIR is quashed. She has also submitted that there is no P.O proceedings are pending or decided against any of the party. Thereafter, she placed on record copy of compromise as Ex. P1 and copy of her aadhar card as Ex.R9.

The statement of accused Shilpa Pahwa, Subhash Chander Kochhar, Parveen Kochhar, Varun Kochhar, Esha Kakkar, Nitin Kakkara and Neha Soni through her attorney Rohit Soni have also been recorded separately, wherein they stated that they have compromised the matter with the complainant Madhu Bala voluntarily and the same is without any pressure, coercion and undue influence. The accused further proved the copy of their aadhar cards as Ex.P2 to Ex. P8. Accused have also submitted that there is no P.O proceedings are pending or decided against any of the party. Rohit Soni has also placed on record copy of Special Power of Attorney executed by accused Neha Soni in his favour as Ex. P SA. Both the parties were duly identified by their counsels.

Further, I have also examined the parties in person and I am of the opinion that the parties have entered into the compromise voluntarily and

without any pressure or coercion from any quarter. As such, in view of the statements of the parties as well as after their examination in the court, I am of the view that compromise has been validly effected between the parties to the abovesaid FIR as per their free will and without any kind of pressure, threat or undue influence. It is also submitted that no PO proceedings are pending against any of the party.

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.

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, 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”, 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 17.04.2021 under Sections 406, 420, 379, 380 and 120-B of the Indian Penal Code,1860 registered at Police Station Adampur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 29th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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