

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296

CRM-M-7771-2022
Decided on : 10.05.2022

Monika Sodhi and another

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. G. S. Rawat, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 234 dated 17.10.2021 under Sections 406, 420 and 34 of the Indian Penal Code, 1860 registered at Police Station Division No. 8, Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“By way of filing the instant petition, the petitioners have sought indulgence of this Court in quashing of FIR No.234 dated 17.10.2021, registered under Sections 406, 420 and 34 IPC at Police Station Division No.8, Jalandhar and all

subsequent proceedings arising therefrom, on the basis of compromise dated 08.02.2022 (Annexure P-3) arrived at between the parties.

Notice of motion.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Mr. G.S.Rawat, Advocate puts in appearance on behalf of respondents No.2 and 3 by filing memo of appearance through e-mail, print out of which is taken on record and admits the factum of compromise effected between the parties.

Since the parties have moved this Court for quashing of the FIR on the basis of the compromise, they are directed to appear before trial Court/Illaq Magistrate on 03.03.2022 or on any other date convenient to the Court, for recording their statements with regard to the genuineness and authenticity of compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 10.05.2022 containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Whether all the parties named in the FIR have made their statement regarding the*

compromise. 6. Current stage of the case.

*Report of the Illaqa Magistrate/trial Court
be awaited for the date fixed. Reply on behalf of
State also be filed.”*

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

“From the statement of the parties, recorded in the court and in my presence, the compromise between the parties is found to be genuine and valid. Report is hereby submitted to the effect that

(i) there are only two persons namely Alisha Sodhi and Monika Sodhi arrayed as accused in the present case;

(ii) No accused has been declared proclaimed offender in this case;

(iii) the compromise between the parties is found to be genuine, voluntary and without any undue influence or coercion;

(iv) No other FIR has been registered against any of above-said accused person;

(v) Complainant Sodhi Lal has come present in the court and suffered statement on his behalf and on behalf of his son Manish Sodhi, being his special power of attorney holder, regarding compromise. Accused Monika Sodhi has come present in the court and suffered statement on her behalf and on behalf of her daughter Alisha Sodhi being her special power of attorney holder, regarding compromise;

(vi) Case is fixed for awaiting challan.

Complainant Sodhi Lal has given no objection if the proceedings of FIR be quashed against the accused persons. Report is accordingly submitted. Statements of the parties along with requisite documents are enclosed herewith for your kind perusal.

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 Nos. 2 and 3 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 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. 234 dated 17.10.2021 under Sections 406, 420 and 34 of the Indian Penal Code,1860 registered at Police Station Division No. 8, Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 10th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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