

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(260)

CRM-M-9230-2022

Date of decision: - 30.03.2022

Ajit Yadav

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Swati Verma, Advocate, for the petitioner.

Mr. Rana Harjasdeep, DAG, Punjab.

Mr. Pratula Sethi, Advocate, for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.43 dated 11.02.2022 registered under Sections 297, 337, 338, 427 of the Indian Penal Code, 1860 at Police Station Division No.6, Police Commissionerate, Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

On 04.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.43 dated 11.02.2022 registered under Sections 297, 337, 338, 427 of the Indian Penal Code, 1860 at Police Station Division No.6, Police Commissionerate, Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the

persons concerned are party to the compromise.

Notice of motion for 30.03.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Pratula Sethi, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

Learned counsel for the petitioner and respondent Nos.2 and 3 have jointly submitted that respondent No.3 has suffered injury, on account of which, she would not be able to appear before the trial Court and have made a prayer that her statement be recorded through Video Conferencing.

In case, the trial Court has a system of Video Conferencing in place then the statement of respondent No.3 is directed to be recorded through Video Conferencing. It is, however, made clear that respondent No.2 will have to give his statement in person.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 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 FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

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

“Both the parties have been identified by respective counsels.

- i. There is one accused person namely Ajit Yadav son of Ramji*

Yadav, resident of Dashmesh Market, Dhandari Khurd, Ludhiana, Punjab.

- ii. No accused has been declared as a proclaimed offender.*
- iii. From the statements of the parties, it appears that compromise is genuine and voluntary and without any inducement, threat or pressure.*
- iv. Except the present FIR, no other FIR had been registered against the accused namely Ajit Yadav son of Ramji Yadav, resident of Dashmesh Market, Dhandari Khurd, Ludhiana, Punjab.*
- v. There are two complainants/victims namely Vipan Kumar so of Kewal Krishan and Kamaljit Kaur wife of Vipan Kumar in the present FIR.*

Submitted please for the kind perusal of the Hon'ble High court.

Yours faithfully

*(Harsimranjit Kaur),
Judicial Magistrate 1st Class.
Ludhiana.”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondents No.2 and 3 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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioner 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, this petition is allowed and FIR No.43 dated 11.02.2022 registered under Sections 297, 337, 338, 427 of the Indian Penal Code, 1860 at Police Station Division No.6, Police Commissionerate, Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

March 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No