

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-12237-2022
Decided on : 20.04.2022

Saveen Arora @ Sween Arora

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vijay Rana, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Sunil K. Rana, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 104 dated 09.06.2015 under Sections 406, 409 and 420 of the Indian Penal Code, 1860 registered at Police Station Division No. 5, Jalandhar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.104 dated 09.06.2015 registered under Sections 406, 409, 420 of the Indian Penal Code, 1860 at Police Station Division No.5, Jalandhar, District Jalandhar (Annexure P-1) 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 20.04.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Sunil K. Rana, Advocate appears on behalf of respondent No.2.

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

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

“In view of statements given by parties following report is hereby submitted as desired by your goods self:

- 1. It is respectfully submitted that as per the statement of Investigating Officer, there is only one person namely Saveen Arora arrayed as accused in the present FIR.*
- 2. It is further respectfully submitted that as per the statement of Investigating Officer, no accused is proclaimed offender in the present case.*
- 3. It is respectfully submitted in view of statements given by the parties this Court is of the considered opinion that compromise effected between the is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.*
- 4. It is further respectfully submitted that as per statement of Investigating Officer, the accused is not involved in any other FIR.*
- 5. It is further respectfully submitted that as per the statement of Investigating Officer the present FIR was registered on the complaint of Satnam Singh and there is only one complainant/victim in the present FIR namely Satnam Singh.*

This report along with statements of parties is submitted, as desired by the Hon'ble High Court vide its order dated 23.03.2022.

Submitted please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioner 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 petitioner has submitted that the petitioner was never 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, 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, the petition is allowed and FIR No. 104 dated 09.06.2015 under Sections 406, 409 and 420 of the Indian Penal Code,1860 registered at Police Station Division No. 5, Jalandhar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

April 20th, 2022

Mehak

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No