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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CRM-M-13608-2022
Date of decision : 25.05.2022

Dilpreet Singh Sikka ...Petitioner

Versus

State of UT Chandigarh and others ...Respondents

2. CRM-M-17734-2022

Arvind Singh Jadaun ...Petitioner

Versus

State of UT Chandigarh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. T.S. Hundal, Advocate for the petitioner(s).
(In both the cases)

Mr. Shashank Bhandari, Addl. PP UT Chandigarh.

Mr. Nirmaljeet Singh Sidhu, Advocate for private respondents.
(In both the cases)

VIKAS BAHL, J. (ORAL)

By this common order, two petitions bearing No.CRM-M
Nos.13608 and 17734 of 2022 shall stand disposed of.

First petition i.e. CRM-M-13608-2022 has been filed by
Dilpreet Singh Sikka and second petition i.e. CRM-M-17734-2022 has been
filed by Arvind Singh Jadaun, for quashing of FIR No.36 dated 07.02.2021
registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860
at Police Station East Sector 26, Chandigarh and all the subsequent

proceedings arising therefrom on the basis of compromise.

On 29.04.2022, this Court had passed the following order in both the abovesaid two cases:-

“Prayer in these petitions filed under Section 482 Cr.P.C. is for quashing of FIR No.36 dated 07.02.2021 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station East Sector-26, Chandigarh, (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.

Learned counsel for the petitioner has further submitted that there are three accused persons and two accused persons have filed separate petition i.e. CRM-M-13608-2022 and CRM-M-17734-2022 and third accused person has filed petition bearing No.CRM-M-8877-2021.

Notice of motion for 25.05.2022.

On asking of the Court, Mr. Shashank Bhadari, Addl. PP UT Chandigarh appears and accepts notice on behalf of the respondent-State and Ms. Parneet Kaur Sidhu, 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.

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.*

It would be open to the parties to get the statement of Aditya Bobal (Third accused) recorded who has also filed separate petition i.e. CRM-M-8877-2021 and in case, Aditya Bobal appeared before the trial Court alongwith the complainant party for the purpose of recording the statement, then the trial Court would permit him to get his statement recorded.

A photocopy of this order be placed on the file of other connected case.”

In pursuance of the abovesaid order, a common report has been submitted by the Additional Chief Judicial Magistrate, Chandigarh. The relevant portion of the said report is reproduced hereinbelow:-

“Point wise report is submitted as under:

- 1. There are three accused persons in the present FIR namely Dilpreet Singh Sikka, Arvind Singh Jadaun and Aditya Bobal.*
- 2. None of the accused is PO.*
- 3. The compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. No accused person is involved in any other FIR*
- 5. As per statement of IO SI Yashpal, there is only one complainant/victim Sandeep Kohli in the present case.*

As far as separate petition No.CRM-M-8877-2021, filed by: accused Aditya Bobal is concerned, it was also directed by the Hon'ble High Court vide order dated 29.4.2022 that it would be open to the parties to get the

statement of Aditya Bobal(third accused) recorded and in case, Aditya Bobal appeared before the trial court along with the complainant party for the purpose of recording the statement, then the trial court would permit him to get his statement recorded. Since remaining accused namely Aditya Bobal was not present on 9.5.2022, so notice to him as well as IO was ordered to be issued for 13.5.2022. On 13.5.2022, only accused Aditya Bobal appeared and complainant Sandeep Kohli did not turn up for recording his statement. However, during the bail proceedings of accused Aditya Bobal, complainant has suffered statement on 15.2.2021 that matter has been compromised with accused Aditya Bobal vide compromise Ex.C1 and he he had received draft in the sum of Rs.16.00 lakh. On the other hand, accused Aditya Bobal appeared on 13.5.2022 and suffered statement that he has compromised the matter with complainant Sandeep Kohli vide compromise deed dated 15.2.2021 Ex.C1 without any pressure or coercion from any side and prayed that present FIR be quashed. However, no statement has been suffered by complainant on 13.5.2022.

Hence the report is submitted. Copy of statements of the parties along with copy of compromise deeds are attached herewith for kind perusal.

Submitted please.

Yours faithfully

Sd/- (T.P.S. Randhawa)

Dated: 13.5.2022

Addl. Chief Judicial Magistrate,

Chandigarh/PB0256”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused 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.

A perusal of the abovesaid report would also show that as far as the petitioner(s) in both the cases are concerned, compromise has been effected and Sandeep Kohli has made statement that he has no objection in case, FIR is quashed. With respect to third accused namely Aditya Bobal, statement of complainant-Sandeep Kohli was recorded on 15.02.2021 to the effect that he has no objection if the bail application of the accused Aditya Bobal is allowed. However, it has not been stated that the complainant has no objection in case FIR against Aditya Bobal is quashed.

Learned counsel for respondent Nos.2 and 3 has submitted that as far as his instructions are concerned, respondent No.3 has no objection in case FIR qua the present petitioner(s) is quashed.

Learned counsel for the petitioner(s) has submitted that the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Learned counsel for the petitioner(s) has further submitted that the petitioner(s) were not declared proclaimed offender in the present case and there are no other cases pending against the petitioner(s). Learned counsel for the UT Chandigarh, as per instructions has stated that these facts

are correct.

Learned counsel for respondent Nos.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 two parties.

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 (s) 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**”, reported as **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**”, reported as **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.36 dated 07.02.2021 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station East Sector 26, Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner(s).

It is made clear that the abovesaid order would not come in the way of third accused namely Aditya Bobal to independently pursue his case for quashing of the FIR in case, the matter is fully and finally compromised.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

25.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No