

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CRM-M-12023-2022
Decided on : 06.05.2022

Govind @ Govinda

. . . Petitioner

Versus

State of U.T. Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Amit Kumar Goyal Addl. P.P., U.T., Chandigarh.

Mr. Abhishek Chha, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 59 dated 11.06.2016 under Sections 147, 148, 149, 323 325, 341 and 506 of the Indian Penal Code, 1860 registered at Police Station Sarangpur, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

On 22.03.2022, a Coordinate Bench of this Court was pleased to pass the following order:

“By way of filing the instant petition, the petitioner has sought indulgence of this Court in quashing of FIR No.0059 dated 11.06.2016, registered

under Sections 147, 148, 149, 323, 325, 341 and 506 IPC at Police Station Sarangpur, Chandigarh and all consequential proceedings arising therefrom, on the basis of compromise dated 25.01.2022 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Amit Kumar Goyal, Additional Public Prosecutor, U.T. Chandigarh accepts notice on behalf of the respondent-State. Mr. Abhishek Chha, Advocate puts in appearance on behalf of respondent No. 2-complainant and undertakes to file power of attorney in the Registry 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 08.04.2022 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. 06.05.2022 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.*

22.03.2022
Sd/-
(SANT PARKASH)
JUDGE”

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

“It is submitted that, the present case i.e. FIR No 59 dated 11.06.2016, under Sections 147, 148, 149, 323, 325, 341 and 506 Indian Penal Code. PS: Sarangpur, Chandigarh, was registered on the statement of complainant/victim Parkash Kumar against six persons and none of the accused has been declared as proclaimed offender in the present case. Out of six accused persons involved in the present FIR, only one accused i.e.. namely Govind @ Govinda has approached before Hon'ble High Court for quashing of FIR and only he alongwith complainant has made the statement regarding compromise. As per the statement of Addl. SHO and accused, no other criminal case is pending against the present accused. The case is currently at the stage of prosecution evidence.

5. It is further submitted that both the parties were inquired regarding their compromise in Court and they have agreed that they entered into compromise with their freewill. After going through the statement of parties, I am satisfied that the compromise has been entered into between the parties with their free will and without any threat. coercion or undue influence from any corner. The compromise is genuine and voluntarily.

6. *The copies of the statements of the parties and the statement of the Addl. SHO are annexed herewith for your kind perusal and further action.*

7. *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.

As per the above-reproduced report, there are six accused persons in the present case and the present petition has been filed by only one accused and a prayer has been made by counsel for the petitioner that the FIR be quashed qua the present petitioner.

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others**

in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the 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 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. 59 dated 11.06.2016 under Sections 147, 148, 149, 323 325, 341 and 506 of the Indian Penal Code, 1860 registered at Police Station Sarangpur, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the present petitioner.

(VIKAS BAHL)
JUDGE

May 6th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No