

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12887-2022

Date of decision : 28.07.2022

Parshant Bhagat @ Neenu and others

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Lakhwinder Singh Lakhanpal, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr. Anantdeep Singh Sandhu, Advocate
for respondent nos.2 and 3.

VIKAS BAHL, J.(ORAL)

This is petition under Section 482 Cr.P.C. praying for quashing of FIR no.118 dated 06.09.2021 registered under Sections 323, 324, 148, 149, 506 IPC (Section 326 IPC added later on) at Police Station Division no.1, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

On 05.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners has submitted that since he had met with an accident, thus, he could not convey the order dated 12.05.2022 passed by this Court and one last final opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 28.07.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua

compromise within a period of 15 days from today.

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.*

However, since the statement of the parties could not be recorded as the parties had not appeared before the Illaqa Magistrate/trial Court in spite of the direction given vide order dated 28.03.2022 and,thereafter, vide order dated 12.05.2022, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the 'Punjab and Haryana High Court Employees Welfare Association Fund', within a period of 10 days from today.

The trial Court shall only record the statements of parties on production of the receipt of the said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

05.07.2022”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate It Class, Jalandhar. The relevant portion of the said report is reproduced hereinbelow:-

“ From the statements of the complainant Manoj Verma and Yash Verma and joint statement of the accused Parshant Bhagat, Vikran Bhagat and Pappu and Investigating Officer ASI Satnam Singh, my report is as under:-

i That there are three accused namely Parshant Bhagat @ Neenu, Vikrant Bhagat, Pappu @ Rakesh Kumar in this case. They are appearing before the Court and are on bail.

- ii That none of the accused is proclaimed offender.*
- iii. The compromise is voluntary, genuine and without any coercion or any undue influence.*
- iv. That as per statement of accused persons and Investigating Officer, the above said accused persons are not involved in any other FIR.*
- v. That as per the statement of Investigating Officer there are only two complainant in the present FIR.*
- vi. Statement of Manoj Vema and Yash Verma qua compromise has also been recorded.*

Photocopies of statements of complainant, accused and Investigating Officer along with the copies of their Adhar Card Ex.C1 to Ex.C3 and Ex.C6 & Ex.C7 are being sent herewith, as desired by the Hon'ble High Court. Submitted please.

Yours faithfully

(Shagun)

Encl: As above.

*Judl. Magistrate Ist Class
Jalandhar, UID No. PB0419”*

A perusal of the above said report would show that the petitioners and respondent nos.2 and 3 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioners 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.”

Keeping in view of the above said facts and circumstances, this

petition is allowed and FIR no.118 dated 06.09.2021 registered under

Sections 323, 324, 148, 149, 506 IPC (Section 326 IPC added later on) at Police Station Division no.1, Jalandhar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 28, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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