

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-12671-2022
Decided on : 25.04.2022

Mohammad Zamin and another

. . . Petitioners

Versus

State of U.T., Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. A. P. Kaushal, Advocate
for the petitioners.

Mr. V. S. Mahal, Additional P.P., U.T. Chandigarh.

Mr. Davinder Singh, Advocate for
Mr. G. S. Sandhu, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 34 dated 14.03.2020 under Sections 420 and 120-B of the Indian Penal Code, 1860 (Sections 419 and 474 IPC added later on) registered at Police Station Maninajra, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 25.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners has submitted that in the head note of the petition, inadvertently, apart from mentioning of Sections 420 and 120-B of IPC, Sections 419 and 474 of IPC have not been mentioned which have been added later on (although the same have been mentioned in prayer clause of petition), and thus,

made an oral request that Sections 419 and 474 of IPC, which have been added later on, be also read alongwith Sections 420 and 120-B of IPC in the headnote of the petition.

In view of the abovesaid oral request made by learned counsel for the petitioners, Sections 419 and 474 of IPC, which have been added later on, be also read alongwith Sections 420 and 120-B of IPC in the headnote of the petition.

Registry is directed to carry out the necessary corrections.

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.34 dated 14.03.2020 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 (Sections 419 and 474 of IPC have been added later on) at Police Station Manimajra, Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 25.04.2022.

On asking of the Court, Mr. Viranjeet Singh Mahal, Addl. PP UT Chandigarh appears and accepts notice on behalf of the respondent- UT Chandigarh and Mr. G.S. Sandhu, 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, Chandigarh to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“After going through the statements given by complainant Sanjay Singh and accused persons namely Mohammad Zamin and Mohammad Nadeem and Investigating Officer ASI Rajinder Singh in the Court, the following report as desired by the Hon'ble High Court is submitted:

- i) In the present case FIR two accused persons namely Mohammad Zamin and Mohammad Nadeem are arrayed as accused.*
- ii) None of the accused is declared as Proclaimed offender.*

iii) Compromise between complainant and accused is valid and genuine and it is voluntarily effected between the said parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter.

iv) The accused are not involved in any other FIR.

v) As per the statement of the Investigating Officer only one person namely Sanjay Singh is the complainant/victim in the present case FIR.

This report along with copies of statements of parties and annexures is submitted as desired by Hon'ble High Court vide its order dated 25.03.2022."

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners have been recorded in the case and they 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 petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are 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 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 34 dated 14.03.2020 under Sections 420 and 120-B of the Indian Penal Code,1860 (Sections 419 and 474 IPC added later on) registered at Police Station Maninajra, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise are ordered to be quashed, qua the petitioners.

April 25th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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