

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M-10148-2020
Decided on : 19.04.2022

Ankur Verma and others

. . . Petitioners

Versus

Union Territory, Chandigarh and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Kamal Kant Verma, Advocate for
Mr. Vivek Lamba, Advocate
for the petitioners.

Mr. Anil Kumar Lamdharia, Addl. P.P., U.T., Chandigarh.

Ms. Seema Arora, Advocate
for respondent No. 2.

None for respondent No. 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 4 dated 16.01.2020 under Sections 419, 420, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Sector-19, Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 06.03.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 4 dated 16.01.2020 (Annexure P-1) registered under Sections 419, 420, 468, 471 and 120-B IPC at Police Station

Sector-19, Chandigarh and all subsequent proceedings arising therefrom, on the basis of compromise dated 25.02.2020 (Annexure P-2).

Notice of motion for 22.04.2020.

Ms. Seema Arora and Ms. Parul Sandal, Advocates who are present in Court accept notice on behalf of respondents No. 2 and 3, respectively and filed their separate Vakalatnamas. The same are taken on record. Be tagged at the appropriate places.

Let requisite numbers of copies of paper-book be supplied to learned counsel for respondents No. 2 and 3, during the course of the day, failing which this petition would entail dismissal for want of prosecution.

In the meanwhile, petitioners shall deposit `20,000/- as costs within two weeks from today, out of which `10,000/- is to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and `10,000/- with the Welfare Centre for Persons with Speech and Hearing Impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, Bank Account No.000434003000357, the Gurgaon Central Co-operative Bank Ltd. or Bank, Account No.1245010000518, United Bank of India. They can also opt to deposit the aforesaid amount of `10,000/- with the PGIMER online through its website "www.pgimer.edu.in". Thereafter, parties shall appear before the concerned trial Court/Illaq Magistrate, after having the receipts of amount of `20,000/- as above, who shall record their statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.

To be shown in the urgent list.

Original receipts of costs be produced in this Court on the date fixed.

Sd/-
March 06,2020 *(RAMENDRA JAIN)*
JUDGE”

Then subsequently on 08.10.2020, following order was passed by the Coordinate Bench:-

“Receipts dated 16.03.2020 are produced in proof of the deposit of ` 20,000/- in terms of the order dated 06.03.2020. The same are taken on record.

Mr. Vivek Lamba, learned counsel for the petitioner, states that statements of two of the accused are yet to be recorded by the trial Court/ Illaqa Magistrate. In terms of the order dated 06.03.2020, the report of the trial Court/Illaqa Magistrate has to be submitted stating as to whether the compromise is genuine, without pressure or undue influence.

Registry is directed to take steps to ascertain the status from the trial Court/Illaqa Magistrate and secure the report in terms of the aforestated order before the next date of hearing.

Post on 09.12.2020.

Sd/-
October 08,2020 *(SANJAY KUMAR)*
JUDGE”

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:-

“The report on the basis of statement of the parties as directed by the Hon'ble High Court is submitted as under:

This court, after hearing the parties in persons alongwith counsels of accused persons and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements given by the complainant as well as accused persons are not the result of any pressure and coercion.

It is also respectfully submitted that there is only one complainant in the present case, on whose complaint the present FIR was registered. There is also no proclaimed offender in the present case.

Copies of the statements of the parties are attached herewith.

Report is accordingly submitted to be presented in CRM-M-10148-2020 pending for 31.03.2021 before the Hon'ble Punjab & Haryana High Court, Chandigarh.

Thanking you.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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 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. 4 dated 16.01.2020 under Sections 419, 420, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Sector-19, Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 19th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No