

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13891-2021

Date of decision : 07.07.2022

Rinku and others

... Petitioners

Versus

State of U.T. Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sumit Kumar, Advocate for
Mr.Amit Kumar, Advocate
for the petitioners.

Mr.Anupam Bansal, APP, U. T. Chandigarh.

Ms.Sumitra, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.192 dated 14.10.2020 registered under Sections 323, 452, 384, 34 IPC at Police Station Sector 36, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise.

On 25.03.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition for quashing of FIR on the basis that a compromise has been entered into between the parties.

Notice of motion for 28.05.2021.

At this stage, Mr. Anupam Bansal, APP, U.T., Chandigarh, who is present in court, accepts notice on behalf of respondent No.1-State. Mr.Ravinder Paul, Advocate puts in appearance on behalf of respondent No.2 and files the power of attorney, which is taken on record and admits to the factum of compromise.

Service is complete.

In the meantime, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 30.04.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 28.05.2021.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

March 25, 2021 **(JAISHREE THAKUR)**
JUDGE”

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

“After going through the statements given by complainant Vijay Kumar @ Tinku, accused persons i.e. Rinku, Chetan Munjal, Javed Jhinjha and Investigating Officer ASI Sher Singh, No.2841 in the Court, the following report is submitted as desired by your goodself vide order dated 25.03.2021 :-

- (1) On the basis of statement given by parties, this Court is of the considered view that compromise between the parties is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.
- (2) None of the accused persons has been declared as proclaimed offender in present case. No PO proceedings are pending against any of the accused persons.

This report along with statements of parties and annexures is submitted as desired by your goodself vide order dated 25.03.2021 passed in CRM-M No.13891 of 2021.

Yours faithfully

Lovejinder Kaur), PCS,
Judicial Magistrate Ist Class,
Chandigarh. ”

A perusal of the above said report would show that the petitioners and respondent no.2 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 no.2 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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.192 dated 14.10.2020 registered under Sections 323, 452, 384, 34 IPC at Police Station Sector 36, Chandigarh and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 07, 2022.

Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No