

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-11171-2020
Decided on : 28.07.2022

Sandeep Kumar Nadda

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rahul Garg, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 11 dated 30.01.2020 under Sections 420, 406, 465, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Anandpur Sahib, District Rupnagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 11.07.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.112 dated 26.07.2019 registered under Sections 420/120-B, 406 (added later on) of the Indian Penal Code, 1860 at Police Station Raja Sansi, District Amritsar Rural 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 28.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Neeraj Madaan, Advocate for Dr. Rabia Gund, Advocate Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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 Sub-Divisional Judicial Magistrate, Sri Anandpur Sahib to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“From the above, it is respectfully submitted as under:

- i) There is only one accused arrayed in the FIR namely Sandeep Kumar Nadda.*
- ii) As per statement of the investigation officer the accused is not proclaimed offender.*
- iii) From the above statements of complainant Amrit Lal and accused Sandeep Kumar Nadda recorded on 19.07.2022 in the Court, this court is of the view that compromise is genuine, voluntarily and without any coercion and undue influence and out of free will of parties.*
- iv) As per statement of the Investigating officer, the accused is not involved in any other FIR.*
- v) From the above statements of investigating officer there is only one complainant/victim i.e. respondent Amrit Lal in the present FIR.*

In reference to the above mentioned discussion, the report is respectfully submitted for Your Honour's kind perusal, please. Original statements of parties and Investigating Officer alongwith self attested copies of their Identity proofs and copy of compromise Ex.C1 are also forwarded for Your Honour's kind perusal, please.

Submitted please.”

A perusal of the above 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 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 further submitted that the petitioner was not declared proclaimed offender in the present case and is 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 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 11 dated 30.01.2020 under Sections 420, 406, 465, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Anandpur Sahib, District Rupnagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

28.07.2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No