

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.258

CRM-M-16266-2021

Date of Decision: September 13, 2022

Vajinder Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

None for respondent Nos.2 to 8.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.54, dated 02.03.2019, under Sections 406, 420, 465, 468, 471 and 120-B of the IPC (Section 467 IPC added later on), registered at Police Station Salem Tabri, District Ludhiana, and all other consequential proceedings arising therefrom on the basis of the compromise.

On 19.04.2021, this Court had passed the following order:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.54 dated 02.03.2019 registered under Sections 406, 420, 465, 468, 471 and 120-B Indian Penal Code, 1860 (Section 467 IPC added later on) at Police Station Salem Tabri, District Ludhiana.

Notice of motion for 04.08.2021.

At the asking of the Court, Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished

to the learned State counsel.

At this stage, Mr. Arjunveer Sharma, Advocate causes representation on behalf of respondent Nos.2 to 8 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on or before 26.05.2021 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate 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 in FIR.*
- 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 case 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.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

Pursuant to the aforesaid order, report dated 08.07.2021 has been received from the Judicial Magistrate 1st Class, Ludhiana. The relevant portion of the said report is as under:-

“It is, further humbly submitted that after going through the statements of parties so recorded, I am of the considered view that the compromise between the parties is valid, genuine, voluntary and without any coercion or undue influence.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have

stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are six accused persons and none of them has been declared as proclaimed person. It is also stated in the report that no accused person is involved in any other case.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.54, dated 02.03.2019, under Sections 406, 420, 465, 468, 471 and 120-B of the IPC (Section 467 IPC added later on), registered at Police Station Salem Tabri, District Ludhiana, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 13, 2022

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**(AMAN CHAUDHARY)
JUDGE**

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