

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-24472-2021
Decided on : 09.03.2022

Narinder Bajaj

. . . Petitioners

Versus

State of Union Territory of Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Chetan Bansal, Advocate
for the petitioner.

Mr. Shashank Bhandari, APP, UT, Chandigarh.

Mr. Abhinav Punj, Advocate for
Mr. Saurav Sharma, Advocate
for respondent No. 2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a third petition under Section 482 Cr.P.C. for quashing of FIR No. 102 dated 18.06.2007 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1861 registered at Police Station Sector-3, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 14.02.2022, the following order was passed:-

“CRM-41968-2021

For the reasons mentioned in the application,

same is allowed, subject to all just exceptions and Annexure P-16 is taken on record.

Main Case

Learned counsel for the petitioners has submitted that one last opportunity be granted to the parties to appear before the Illaqa Magistrate/trial Court and for the same he prays for two weeks' time.

Adjourned to 09.03.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two weeks from today.

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.*

However, since the parties have once not appeared before the Illaqa Magistrate/trial Court for recording their statements, thus, the said opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioner, in the High Court Lawyers' Welfare Fund, within a period of two weeks from today. It is made clear that if the said

amount is not deposited within the stipulated period of time and the receipt is not shown on the next date of hearing, then the present petition would be liable to be dismissed.

Learned counsel for the petitioner has submitted that in the present case, non bailable warrants had been issued against the petitioner and since, the matter has been compromised, thus, the operation of the said non bailable warrants be stayed.

Learned State counsel as well as learned counsel for respondent No. 2 have submitted that the matter has been compromised and in fact, learned counsel for respondent No. 2 alongwith the authorized representative had even gone to give statement and states that they would have no objection in case, non bailable warrants of the petitioner are stayed as that would be in the best interest of all the parties.

In the meantime, the operation of the non bailable warrants, issued in the present case, are stayed.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has deposited the amount of Rs.5,000/- with the High Court Lawyers' Welfare Fund and has produced on record the receipt dated 23.0.2022 regarding the same, which is taken on record as 'Mark-A'.

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:-

“2. As per directions of Hon'ble High Court, on dated 23.02.2022 complainant Sh. Ankur Chopra, SRM at Citi Bank, SCO-4/5, Sector-8C, Madhya Marg, Chandigarh appeared and got recorded his separate statement that he has got the above said FIR registered against the accused namely Narinder Bajaj. Now with the intervention of well wishers, common friends and respectable persons, he has amicably settled his dispute with the accused Narinder Bajaj. Compromise has been effected which is genuine, voluntary and without any coercion or undue influence.

3. Thereafter, accused Narinder Bajaj got recorded his statement that he has been arrayed as accused in FIR No.102 dated 18.06.2007, U/s 420,120B IPC. He has declared proclaimed offender vide order dated 14.07.2014 by the court of Sh. Jaswinder Singh the then Ld. JMIC, Chandigarh however, the said order was quashed by the order of Hon'ble Punjab and Haryana High Court, Chandigarh on 07.04.2021. Now with the intervention of well wishers, common friends and respectable persons, he has amicably settled his dispute with the complainant namely Sh. Ankur Chopra, SRM at Citi Bank, SCO No.4/5, Sector-8 C, Madhya Marg, Chandigarh. Compromise has been effected which is genuine, voluntary and without any coercion or undue influence. He appeared on bail. No other case is pending against him.

4. Statement of SI Lakhwinder Singh, no. 1502/CHG, PS-03, Chandigarh was also recorded wherein he stated that there are two accused namely Narinder Bajaj and Kawaljeet Singh in the present case FIR. Accused Kawaljit was declared P.O. vide order dated 08.02.2016 by the court of Ms. Nisha, the then Ld. JMIC,

Chandigarh. As per records, the accused persons are not involved in any other case except the present FIR. There is only one victim/complainant namely Parvinderjit Singh of Citi Bank, Sector-09, Chandigarh. Since the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, who have no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete, genuine, valid and good in the eyes of law. Therefore, report is thus submitted for your goodself's perusal."

A perusal of the said report would show that although, there were two accused in the present case but it has been stated by all the parties concerned that the second accused namely Kawaljeet Singh has died on 11.03.2015 and has placed on record the death certificate as Annexure P-16. In the abovesaid report, it has been stated that the statements of the complainant as well as the accused 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 petitioner has submitted that the petitioner was never 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 these 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 petitioner 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. 102 dated 18.06.2007 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code,1861 registered at Police Station Sector-3, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

March 9th, 2022
Mehak

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