

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18170-2022

Date of decision:29.08.2022

Puneet Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Poonam Singh Thakur, Advocate for
Mr. L.M. Gulati, Advocate for the petitioners.

Mr. Vikas Arora, AAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.182 dated 02.09.2021 under Sections 420/120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Deena Nagar, District Gurdaspur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 29.07.2022, this Court was pleased to pass the following order:-

“CRM-25805-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present application.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present application.

CRM-25806-2022

This is an application filed under Section 482 of Cr.P.C. for extension of time/giving one more opportunity to the

petitioners for recording the statements of the parties before the Illaqa Magistrate/trial Court.

Learned counsel for the applicant/petitioners has submitted that vide order dated 02.05.2022, the petitioners were directed to appear before the Illaqa Magistrate/trial Court on 16.05.2022 or on any other date convenient to the Court. It is further submitted that on account of unavoidable circumstances, the parties could not appear before the trial Court and could not get their statements recorded with respect to compromise effected between the parties and has thus, submitted that the parties will appear before the trial Court/Illaqa Magistrate on or before 05.08.2022 and time for recording their statements may kindly be extended.

Keeping in view the abovesaid facts and circumstances, the present application is allowed and the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise on or before 05.08.2022 so that the report can be submitted by the trial Court on or before 09.08.2022 which is the date fixed in the main case. The same would however be subject to the payment of costs of Rs.3,000/- which shall be deposited by the petitioners with the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh, within the aforesaid period.

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.*

The trial Court shall only record the statements of parties on production of receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

29.07.2022

(VIKAS BAHL)
JUDGE”

In pursuance to the said order, a report has been submitted by

Judicial Magistrate 1st Class, Gurdaspur. The relevant portion of the said

report is reproduced hereinbelow:-

“It is further submitted that the point-wise report of undersigned is as follows: -

- i. Four persons namely Puneet Kumar, Ritika, Harish Teji @ Monu and Vikas Teji @ Anu were arrayed as accused in the present FIR.*
- ii. None of the accused is proclaimed offender.*
- iii. In view of the statements recorded by both the parties, this Court is satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*
- iv. Accused persons are not involved in any other FIR.*
- v. As per the statement of Investigating Officer, there is only one complainant/victim in the present case namely Lalit Kumar.*

Submitted please.

Yours faithfully,

*(Chandna Bhatti), PCS,
Judicial Magistrate (First Class)
Gurdaspur, UID No.PB0511”*

A perusal of the above said report would show that the petitioners, complainant-respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

A perusal of the report would further reveals that the amount of Rs.3000/-, as directed by this Court vide order dated 29.07.2022, has already been deposited.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender 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.

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.182 dated 02.09.2021 under Sections 420/120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014

subsequent proceedings emanating therefrom are ordered to be quashed, qua
the petitioners.

August 29, 2022.
Ishwar Singh

(VIKAS BAHL)
JUDGE

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