

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-19816-2021
Decided on : 25.04.2022

Vatan Arora @ Lucky and others

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vishal Munjal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 44 dated 21.02.2021 under Sections 420, 120-B of the Indian Penal Code, 1860 and Section 24 of Immigration Act registered at Police Station Division No. 3, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 08.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners has submitted that in pursuance of the order dated 22.09.2021, the parties could not appear before the trial Court and seeks one more opportunity for the parties to appear before the trial Court

and record their statements.

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

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.*

Adjourned to 25.04.2022.

The statements of the parties be recorded subject to cost of Rs. 5,000/- to be deposited by the petitioners with the High Court Lawyers' Welfare Fund. The said amount would be deposited prior to giving the statements of the parties and the trial Court would only permit them to record their statements after the petitioners show the receipt of the same.

In case, the cost of Rs.5,000/- is not deposited by the petitioners with the High Court Lawyers' Welfare Fund, then the present petition would be deemed to have been dismissed. ”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Ludhiana to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As desired, the report is as follows:

- 1. As per record available on judicial file and statement of Investigating Officer, there are three persons arrayed as accused in the FIR namely Vatan Arora @Lucky, Shalu Arora @ Priya Arora and minor Bharat Arora @ Sagar Arora.*
- 2. As per statement of IO, none of the accused person has been declared proclaimed offender at any stage of the present case as per record of police station.*
- 3. Perusal of the statement of the parties recorded regarding the compromise between the parties, it appears to the court that the compromise appears to be genuine, voluntary and without any coercion of undue influence.*
- 4. As per the statement of ASI Nirmal Singh, Investigating Officer of the present case accused persons/petitioners in quashing petition are involved in FIR no. 238 dated 31.12.2020 under Section 420, 120-B of IPC and Section 24 of Immigration Act, PS Division no.3, Ludhiana.*
- 5. As per the statements, FIR and record available on judicial file with the Court of undersigned and statement of Investigating*

Officer in the present case, there are three accused persons and one complainant/victim namely Jaspreet Singh Sehgal in the present case and all of them are party to the compromise entered into. Also, receipt no. 2524 has been placed on record and accused/applicants as per directions made in CRM-M- 19816 of 2021 dated 08.03.2022, have deposited the amount of Rs. 5,000/- with High Court Lawyers' Welfare fund (copy of receipt is enclosed herewith).

The requisite report is accordingly submitted please, for onward transmission to the Hon'ble High Court. Photocopies of the statements so recorded and other relevant documents are enclosed herewith, for kind perusal, please.

Thanking you.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners 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 complainants has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are 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 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 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 44 dated 21.02.2021 under Sections 420, 120-B of the Indian Penal Code,1860 and Section 24 of Immigration Act registered at Police Station Division No. 3, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise are ordered to be quashed, qua the petitioners.

April 25th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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