

278

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18643-2022 (O&M)
Date of decision : 06.07.2022

Anil Chaudhary and others

...Petitioners

Versus

Union Territory of Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Viren Sibal, Advocate and
Mr. Satyam Sharda, Advocate for the petitioners.

Mr. Akashdeep Singh, Addl. PP UT Chandigarh.

Mr. Atul Gaur, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.63 dated 10.04.2022 registered under Sections 420/120-B of the Indian Penal Code, 1860 at Police Station Industrial Area, Chandigarh, UT (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 26.05.2022, this Court had passed the following order:-

“CRM-19910-2022

*Present application has been filed under Section 482
Cr.P.C. for amendment of the above mentioned petition.*

*Notice in the application to the non-
applicants/respondents.*

Learned State counsel as well as learned counsel appearing for non-applicant/respondent No.2 and 3 have submitted that they have no objection in case the amendment is allowed.

In view of the averments made in the application as well as stand of learned counsel for the non-applicants/respondents, the present application is allowed and the amended petition is taken on record.

CRM-M-18643-2022

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.63 dated 10.04.2022 registered under Sections 420/120-B of the Indian Penal Code, 1860 at Police Station Industrial Area, Chandigarh UT (Annexure P-2) 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.

Adjourned to 06.07.2022.

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

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."*

Learned counsel for the petitioners has further prayed that since petitioner No.3 is abroad thus, he be permitted to get his statement recorded through his authorized representative.

In view of above request made by learned counsel for applicant-petitioners, the trial Court would permit the statement of petitioner No.3 to be recorded through his authorized agent/representative. ”

In pursuance of the abovesaid order, a report has been submitted by the Additional Chief Judicial Magistrate (Duty), Chandigarh.

The relevant portion of the said report is reproduced hereinbelow:-

“Now the point wise report is as under:

(1) As per statement of 10 ASI Dharmender Singh, PS-Indl. Area, Chandigarh, there are three accused persons namely Anil Monga Rajesh Narula and Anil Chaudhary in the present case

2. As per statement of IO, no accused has been declared as proclaimed offender.

3. The compromise is genuine, voluntary and without any coercion or undue influence.

4. As per statement of IO, no accused person is involved in any other case/FIR.

5. Statement of ASI Dharmender Singh, PS. Indl. Area, Chandigarh was also recorded on 8.6.2022 who stated that only one victim/complainant is there in the present FIR namely Captain Viraat s/o Vinay Kumar.

Copies of statements made by the accused, complainant and IO and true copy of compromise deed/affidavit Ex.C1 to Ex.C3 along with copy of Special Power of Attorney, executed by accused Anil Kumar Monga in favour of Swami Advaitananda, are attached herewith for kind perusal. Hence, report is accordingly sent to your

good-self.

Submitted please.

Yours faithfully

Sd/- (T.P.S. Randhawa)

*Addl. Chief Judicial Magistrate,
Chandigarh/Duty(PB0256)''*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent Nos.2 and 3 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, 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**”, reported as **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**”, reported as **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.63 dated 10.04.2022 registered under Sections

420/120-B of the Indian Penal Code, 1860 at Police Station Industrial Area, Chandigarh, UT (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

06.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No