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

CRM-M-33811-2018

Date of decision : 25.04.2022

Vijay Garg

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. A.S. Longia, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Manvir Singh Toor, Advocate for
Ms. Manpinder Kaur, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.60 dated 06.04.2018 registered under Sections 452, 506, 427, 34 of the Indian Penal Code, 1860 at Police Station Phase-1, Mohali, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 06.12.2021, this Court had passed the following order:-

“This is an application under Section 482 of Cr.P.C. with a prayer for taking up of the main petition and for directing the parties to record their statements before the Area Magistrate, in view of the compromise effected between the parties.

Learned counsel for the applicant/petitioner as well as respondent No.2/complainant have submitted that the matter has been compromised and have prayed that the statements of the parties be recorded in this case.

For the reasons mentioned in the application, the same is allowed.

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. ”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class-cum-Civil Judge (Junior Division) (Duty) SAS Nagar, Mohali. The relevant portion of the said report is reproduced hereinbelow:-

“Further, statement of IO ASI Jaspal Singh was also recorded who stated that "the present FIR no.60 dated 06.04.2018 registered under Section 452, 506, 427, 34 of IPC, PS Phase-1, SAS Nagar, Mohali was registered against only one accused namely Vijay Garg on the statement of complainant Vishesh Jindal. Except, complainant Vishesh

Jindal no other party or person affected in the present FIR. Accused Vijay Garg not declared proclaimed offender in the present FIR or in any other case. One more FIR no.118 of 2018 under Section 279, 304-A of IPC, PS Sector-39, Chandigarh is pending against the accused Vijay Garg"

It is further respectfully submitted that the perusal of these statements so recorded shows that the compromise effected between the parties in relation to FIR No.60 dated 06.04.2018 under Section 452, 506 427, 34 of IPC, P.S. Phase-1, Mohali, is genuine and valid. No accused is: declared proclaimed offender. One more FIR No.118 of 2018, under. Section 279, 304-A of IPC, P.S. Sector-39 Chandigarh is registered against accused Vijay Garg. As per the statement of IO ASI Jaspal Singh except complainant Vishesh Jindal no other party or person is affected in the present FIR. Report is submitted for kind perusal.

Submitted Please,

Thanking you,

Yours sincerely,

Sd/- Ruchi Swapan Sharma,

Judicial Magistrate 1" Class

cum-Civil Judge (Junior Division)

(Duty) SAS Nagar, Mohali."

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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is correct.

Learned counsel for respondent No.2 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 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**”, 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.60 dated 06.04.2018 registered under Sections 452, 506, 427, 34 of IPC at Police Station Phase-1, Mohali, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

25.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No