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

CRM-M-35069-2018 (O&M)
Date of decision : 20.07.2022

Sandeep Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Pal Singh, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Karan Monga, Advocate for
Mr. S.P.S. Sidhu, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.27 dated 08.02.2011 registered under Sections 420/406/465/467/468/471/120-B of the Indian Penal Code, 1860 at Police Station City-1 Abohar, District Ferozepur (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.05.2022, this Court had passed the following order:-

“CRM-15178-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 14.07.2022 to an early date.

Learned counsel for the applicant-petitioners has

submitted that in the present case, the matter has been compromised and the statements of the parties are yet to be recorded and thus, prays for preponement of the date of hearing in the main case.

Notice in the application.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Sudhanshu Khanna, Advocate for Mr. S.P.S. Sidhu, Advocate appears on behalf of respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 14.07.2022 to today itself.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 14.07.2022 to today and the same is taken on Board today itself.

CRM-15179-2022

Application is allowed, as prayed for.

Annexure P-9 is taken on record, subject to all just exceptions.

Registry is directed to page mark the paper book after attaching the said Annexure P-9 at an appropriate place in the paper book.

Main case

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.27 dated 08.02.2011 registered under Sections 420/406/465/467/468/471/120-B of the Indian Penal Code, 1860 at Police Station City-1 Abohar, District Ferozepur (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 and thus, prays that one opportunity may kindly be given to the parties to record their statements before the trial Court with respect to compromise.

Adjourned to 20.07.2022

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. ”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Abohar. The relevant portion of the said report is reproduced hereinbelow:-

“Therefore, on the basis of the above-mentioned statements, the report of this court is submitted as under:

- 1. There is one complainant in the present case whose name is Raj Kumar son of Surinder Kumar and there are four accused persons in the present case whose name are Sandeep Kumar son of Kishan Kumar, Varinder Kumar son of Kishan Kumar, Surjit son of Mohan Lal and Chander Shekhar son of Patel Kumar;*
- 2. The above-said accused persons have not been declared*

as proclaimed offenders

3. This court is satisfied from the statements being recorded before Ld. Duty Magistrate that the compromise in the present case is valid, genuine, voluntary and without any coercion or undue influence or pressure;

4. There is no other FIR registered against the above-said accused persons

5. Statement of IO has been recorded qua above-stated information on 01.07.2022

The original statements of all the parties of the case mentioned above are attached herewith. The report is hereby submitted please for your kind perusal.

Dated: 01.07.2022

Yours faithfully,

Sd/- (Rubina Josan),

Judicial Magistrate Ist Class,

Abohar”

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 offender 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 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 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.27 dated 08.02.2011 registered under Sections 420/406/465/467/468/471/120-B of the Indian Penal Code, 1860 at Police Station City-1 Abohar, District Ferozepur (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.

20.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No