

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(279)

CRM-M-20111-2022

Date of decision: - 30.05.2022

Vikas Sanan @ Vicky

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. M.S. Rana, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Abhishek Lubana, Advocate
for Mr. Umesh Sharma, Advocate,
for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.205 dated 07.12.2016 registered under Sections 406, 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 11.05.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing

of FIR No.205 dated 07.12.2016 registered under Sections 406, 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 30.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Umesh Sharma, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

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 05.04.2022.”

In pursuance of the said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Mukerian to the Deputy Registrar (Criminal) of this Court. The relevant part of the report is reproduced hereinbelow:-

“In compliance to the aforesaid order, it is respectfully submitted that the point-wise report of undersigned is as follows:-

vi. *It is submitted that as per the statement of investigating officer, there is only accused i.e. accused/petitioner Vikas Sanan @ Vicky, son of Vinod Kumar Sanan, r/o Ward No. 7, Bhatian Wali Gali, PS Mukerian, Distt. Hoshiarpur, at present resident of House No. 4671/3, Gali No.11, B-Block, Sant Nagar, Burari, North Delhi, Delhi-110084.*

vii. *It is submitted that as per the statement of investigating officer, petitioner/accused has not been declared as proclaimed offender/proclaimed person in this case.*

viii. *In view of the statements recorded of the parties, the undersigned is of the view that compromise between the accused/petitioner and respondent no. 2 and 3 is genuine, voluntarily and without any coercion or pressure.*

ix. *It is submitted that as per the statement of investigating officer, the petitioner/accused is not involved in any other FIR.*

x. *It is further reported that as per the statement of Investigating Officer, SI Dilbag Singh, there are two victims/complainants in the present case i.e. complainant/respondent No. 2 Avtar Singh, son of Kuldeep Singh and complainant/respondent No. 3 Balwinder Singh, son of Kulwant Singh.*

The report is hereby submitted for kind consideration and further necessary action, please.

Yours faithfully,

*Amardeep Singh Bains, PCS,
Sub Divisional Judicial Magistrate ,
Mukerian (UID No.PB0335) ”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, without any coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and he has not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondents No.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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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, this petition is allowed and FIR No.205 dated 07.12.2016 registered under Sections 406, 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No