

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-20324-2022

Date of decision:22.09.2022

Sanjay Kumar Bhalla

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. N.K. Vadehra, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Karan Choudhary, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

On 12.05.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0070 dated 29.04.2022, registered under Sections 354, 354-A of Indian Penal Code, 1860 at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana, Annexure P-1 and all subsequent proceedings arising therefrom on the basis of compromise, Annexures P-2 and P-3.

Counsel for the petitioner contends that the complainants-respondents No.2 and 3 were working as Receptionists in a private hospital being run by the petitioner, who is a medical profession. He submits that FIR, Annexure P-1 has been registered by respondent No.2 on false allegations and the dispute was regarding non-payment of salary, has now been settled with both the private respondents by virtue of compromise, Annexures P-2 and P-3. Counsel submits that the dispute is totally private in nature and has been compromised therefore, the criminal proceedings deserves to be quashed.

Notice of motion.

On asking of the Court, Mr. A.A. Pathak, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1-State. As per the instructions received by him from ASI Kulwant Singh, matter is under investigation.

Mr. Karan Choudhary, Advocate has put in appearance on behalf of respondents No.2 and 3 and has filed his Power of Attorney and Vakalatnama, respectively, for both the said respondents, which are taken on record. He has admitted the factum of compromise and has supported the prayer made in the petition.

The parties and Investigating Officer are directed to appear before the Area Magistrate/trial Court on 31.05.2022 or on any date thereafter as fixed by the Magistrate, for getting their statements recorded with regard to the compromise. The Area Magistrate/trial Court shall submit the report on or before the next date of hearing specifying the following:-

1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;

2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings;

4. if the compromise is genuine, voluntary and out of free will of the parties.

5. whether any other criminal case is pending against the accused.

Report of Area Magistrate/trial Court be awaited for 22.09.2022.”

Report has been received from the trial court pursuant to the above-said reproduced order and its relevant extract is as under:-

“1. In the present case, FIR was registered against only one accused, namely, Dr. Sanjay Kumar Bhalla, who has appeared before this Court and got his statement recorded on 31.05.2022. The accused Dr. Sanjay Kumar Bhalla has not been declared proclaimed offender in the present case.

2. The name of the complainant is Sumanpreet Kaur and the name of the injured/aggrieved is Kiran. Both of them have appeared and made their statements in support of

the compromise.

3. The present case is still at the stage of investigation. This Court has only received FIR in the present case. As per the statement of the IO, the accused person is yet to be arrested in the present FIR and hence, no proceedings in the present FIR are pending before this Court.

4. From the statements made before the undersigned, the undersigned is of the considered opinion that the compromise between the parties is genuine and the same has been entered into Voluntarily, without any pressure and out of their free will.

5. As per the statement of the IO, there is no other criminal case is pending against the accused Dr. Sanjay Kumar Bhalla.”

It is apparent from the above that the dispute between the parties is purely a personal one, which has been amicably settled. This Court is of the view that the dispute does not have any impact on the society and it is a fit case to exercise inherent powers vested in this Court under Section 482 of the Code. In view of the above, report of the trial court and the judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, petition deserves to be accepted.

Petition is allowed. FIR No.70 dated 29.04.2022 under Sections 354 and 354-A of IPC, 1860, registered at Police Station Sadar, District Ludhiana, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

22.09.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No