

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

CRM-M-20798-2022

Date of decision: 29.08.2022

Ashok Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Dhirinder Chopra, Advocate, for the petitioner.

Mr. Manipal Atwal, DAG, Punjab.

Mr. C.S. Singhal, Advocate, for respondent No.2.

AMAN CHAUDHARY, J. (ORAL)

Present petition has been filed for quashing of FIR No. 119 dated 26.06.2017 under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC (Section 406 IPC added lateron) registered at Police Station City South Moga and and all other consequential proceedings arising therefrom on the basis of the compromise dated 02.05.2022 (Annexure P-2).

On 16.05.2022, this Court had passed the following order:-

“This is the 2nd petition filed under Section 482 CrPC for seeking quashing of FIR No.119 dated 26.06.2017 under Sections 419, 420, 465, 467, 468, 471 and 120-B of the IPC (Section 406 IPC added later on) registered at Police Station City South Moga and all consequential proceedings arising therefrom on the basis of compromise dated 02.05.2022 (Annexure P-2).

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG Punjab appears and accepts notice on behalf of respondent-State.

Mr. C.S. Singhal, Advocate appears on behalf of respondent No.2 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 23.05.2022 or any other date convenient to the Illaqa Magistrate/Trial Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.
- (v) Whether the compromise has been effected with all accused persons and with all the complainant/injured.

To come up for further consideration on 29.08.2022.

Response, if any, may also be filed by the State on or before the adjourned date.”

Pursuant to the aforesaid order, report dated 04.07.2022 has been received from the Judicial Magistrate Ist class, Moga. The relevant paragraph of the said report is as under:-

“It is humbly submitted that in the considered view of this court the compromise entered into by the parties is genuine and matter has been amicably settled with the intervention of respectables and compromise is for the welfare of both the parties. None of the accused has been declared as Proclaimed Offender. The trial was at the stage of prosecution evidence. **Accused Harjit Kumar** had since been died and photocopy of

his **death certificate** is enclosed herewith. The statements of the parties in original alongwith photocopies of their I-Cards are being sent enclosed herewith for kind perusal of Hon'ble High Court.

Thanking you.

Yours faithfully,

*(Kulwinder Kaur, PCS)
Judicial Magistrate Ist Class
Moga.”*

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are two accused persons namely Ashok Kumar and Harjit Kumar and the accused Harjit Kumar has since been died. It is further stated that the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and no other case has been registered against the accused persons except the FIR in question.

I have heard learned counsel for the parties and have also gone through the case 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 is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No. 119 dated 26.06.2017 under Sections 419, 420, 465, 467, 468, 471 and

120-B IPC (Section 406 IPC added lateron) registered at Police Station City South Moga, and all other consequential proceedings arising therefrom, is quashed qua the petitioner.

29.08.2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No