

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24229-2022

Date of decision : 21.07.2022

Prithi Mehta @ Wadda and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.O.P.Kamboj, Advocate
for the petitioners.

Mr.Sarabjit Singh, AAG, Punjab.

Mr.N.R.Komal Kamboj, Advocate
respondent no.4.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.139 dated 25.05.2012 registered under Sections 452, 324, 323, 506, 148, 149 IPC at Police Station City Ferozepur, District Ferozepur and all other consequential proceedings arising therefrom on the basis of compromise.

On 30.05.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 139 dated 25.05.2012 under Sections 452, 324, 323, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

Notice of motion for 21.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, Punjab

appears and accepts notice on behalf of the respondents No. 1 to 3 and Ms. N. R. Komal Kamboj, Advocate appears on behalf of respondent No. 4.

Learned counsel for the petitioners and respondent No. 4 have submitted that in the present case, there were five accused persons out of which, one accused has died and one person mentioned in the FIR is an unknown person.

*Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.*

*Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.*

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

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.*

30.05.2022”

In pursuance to the said order, a report has been submitted by

report is reproduced hereinbelow:-

“ In view of above circumstances, it is humbly reported as under:-

i. As per the statement of ASI Pawan Kumar No.1847/FZR P.S.City Ferozepur, there are four accused namely Prithi Mehta @ Wadda, Poonam @ Palwinder, Sajjan and Parveen Mehta who are specifically named in the FIR. However, one unknown person was referred as tenant of Parveen Mehta but he could not be traced during investigation.

ii. As per the statement of ASI Pawan Kumar No.1847/FZR P.S.City Ferozepur, none of accused had been declared as proclaimed offender in the present case.

iii. The compromise as per above statements is genuine and voluntary.

iv. As per the statement of ASI Pawan Kumar No.1847/FZR P.S.City Ferozepur, accused are not involved in any other criminal case/FIR.

v. As per the statement of ASI Pawan Kumar No.1847/FZR P.S.City Ferozepur, complainant Rahul Mehta is the sole complainant /victim in the present case.

Original statements are attached herewith.

Hence, this report as per directions of Hon'ble High Court

Yours Sincerely,

*AshokKumar Chauhan,
Chief Judicial Magistrate,
Ferozepur.
UID No.PB0266 ”*

A perusal of the above said report would show that the petitioners and respondent no.4 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in

case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondent no.4 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***”, 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. ”

Keeping in view of the above said facts and circumstances, this petition is allowed and FIR no.139 dated 25.05.2012 registered under Sections 452, 324, 323, 506, 148, 149 IPC at Police Station City Ferozepur, District Ferozepur and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 21, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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