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

CRM-M-28457-2021

Date of decision : 11.10.2022

Soni and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Tarun Seth, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Gagandeep Singh, Advocate for respondent Nos.2 to 6.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.141 dated 27.07.2016 registered under Sections 323, 341, 506, 148, 149, 325, 354, 452 of the Indian Penal Code, 1860 at Police Station Model Town Ludhiana and cross case DDR No.11 dated 30.07.2016 registered under Sections 323, 324 of IPC and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners as well as respondent Nos.2 to 6 have jointly submitted that the petitioners be permitted to withdraw the present petition qua prayer with respect to quashing of DDR No.11 dated 30.07.2016 with liberty to file a fresh petition for quashing of the said DDR on the basis of compromise and have thus, submitted that the present case be

restricted to only quashing of FIR No.141 dated 27.07.2016 on the basis of compromise.

In view of the abovesaid statement, the present petition is dismissed as withdrawn qua prayer with respect to quashing of DDR No.11 dated 30.07.2016 with liberty to file a fresh petition for quashing of the same on the basis of compromise.

On 22.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The petitioners have filed the present petition seeking quashing of FIR No.141 dated 27.07.2016, under Sections 323, 341, 506, 148, 149, 325, 354, 452 IPC, registered at Police Station Model Town Ludhiana and cross case DDR No.11 dated 30.07.2016, under Sections 323, 324, IPC and all subsequent proceedings arising therefrom on the basis of the compromise dated 21.06.2021 (Annexure P-3) along with subsequent proceedings arising therefrom.

Notice of motion.

On asking of the Court, Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent No.1 and Mr. Ankit Joshi, Advocate, has put in appearance on behalf of respondents No.2 to 6.

Both the counsel are ad idem that the matter be referred to the Illaqa Magistrate/Duty Magistrate for recording the statements of the parties.

Adjourned to 18.11.2021.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa Magistrate/Duty Magistrate on 14.09.2021 for recording their statements, who shall record their respective statements with regard to the

genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

Sd/- (RAJESH BHARDWAJ)

JUDGE

22.07.2021 ”

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

“It is accordingly submitted that there are seven accused namely Soni Kumar, Rustam, Ashok Kumar, Jagroop @ Jubba, Kamlesh Rani @ Goggi, Roma Rani and Suraj and five complainants/aggrieved persons namely Moni Kumar @ Joni Kumar, Sarabjit Singh, Amro @ Golo. Meeto @ Seeto @ Sheetal and Reena involved in the present case. There is no other accused in this case and none of accused has been declared as proclaimed offender in any criminal case till date.

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On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties.

With these submissions, the report with regard to the compromise is being submitted accordingly for the kind perusal of the Hon'ble High Court.

Accordingly report is being submitted please.”

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. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent Nos.2 to 6 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.141 dated 27.07.2016 registered under Sections 323, 341, 506, 148, 149, 325, 354, 452 of the Indian Penal Code, 1860 at Police Station Model Town Ludhiana 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.

11.10.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No