

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

CRM-M-51771-2018

**Date of Decision: 15 September, 2022**

**Nirbhai Singh and another**

**...Petitioners**

**Versus**

**State of Punjab and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present:-** Mr. Brijeshwar Singh Bhalla, Advocate  
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

\*\*\*

**AMAN CHAUDHARY, J.(Oral)**

Present petition has been filed for quashing of FIR No.48 dated 28.02.2018, under Sections 406, 419, 420, 467, 468, 471, 473, 201 IPC, registered at Police Station Division 6, Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom on the basis of the compromise.

On 08.04.2019, this Court had passed the following order:-

“Service has been effected.

To come up on 20.05.2019.

*Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 03.05.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the*

*result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”*

Pursuant to the aforesaid order, report dated 17.05.2019 has been received from Judicial Magistrate Ist Class, Ludhiana. The relevant paragraph of the said report is as under:-

*“4. On 09.05.2019 all the parties appeared before the court and statement of complainant Bhupinder Kumar was recorded to the effect that the present FIR was got registered by him on behalf of his company against accused Nirbhai Singh and Gurmeet Singh and in this matter a compromise was effected between the company and the accused out of their free will and volition and without any inducement, threat, coercion or undue influence and all the outstanding dues stood cleared/settled by the accused and there remained no amount outstanding from them towards the company. He brought on record the certified copy of resolution dated 06.05.2019 as Ex. CA which authorized him to suffer a statement before the court regarding the above compromise. He further stated that he had no objection if the present FIR registered against the accused was quashed and in that context brought on record no objection dated 03.12.2018 issued by the company qua cancellation of the FIR as Ex.CB.*

*5. Accused Gurmeet Singh and Nirbhai Singh too suffered separate statements to the identical effect that the present FIR was got registered against them*

*by complainant Bhupinder Kumar. They too endorsed effecting of compromise between them and the company out of their free will and volition and without any inducement, threat, coercion or undue influence. They further stated that they had paid all the outstanding dues to the company and now nothing was outstanding against them. They also brought on record no objection certificate regarding clearance of loan and regarding dropping of proceedings in the present FIR against them as Ex.CB and prayed for the present FIR registered against them to be quashed.*

*6. It thus appears that the parties have compromised the matter between them out of their own free will and volition without any inducement, threat, coercion or undue influence. The compromise thus appears to be genuine and valid and voluntary.*

*7. At the same time, the court was also directed to intimate whether any criminal case and proclamation proceedings were pending against either of the party. In this context report of the concerned SHO was called for who reported that neither any criminal proceedings nor any proclamation proceedings were pending against either of the parties.*

*8. Accordingly, this report, along with attested copies of statements of the parties, copy of resolution dated 06.05.2019 (Ex.CA), copy of no objection dated 03.12.2018 (Ex.CB), both issued by the company and copy of report of the SHO is submitted for your kind perusal.”*

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 and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

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 petitioners and the complainants. 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.48 dated 28.02.2018, under Sections 406, 419, 420, 467, 468, 471, 473, 201 IPC, registered at Police Station Division 6, Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

**September 15, 2022**

Sangeeta

**(AMAN CHAUDHARY)  
JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking: | Yes/No |
| Whether reportable:        | Yes/No |