

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-27999 of 2022 (O&M)
Date of Decision: July 26, 2022

Anil Katyal and another

...Petitioners

Vs.

State of Punjab & another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Dr. Kannu Sharma, Advocate and
Mr. Vishal Sharma, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Priya, Advocate
for respondent No.2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.135 dated 08.07.2021 registered under Sections 417, 419, 420 and 511 of the Indian Penal Code, 1860 and 66-D of Information Technology Act, 2000 at Police Station Division No. 6, Police Commissionerate, District Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 04.07.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.135 dated 08.07.2021, registered under Sections 417, 419, 420 and 511 of the Indian Penal Code, 1860 and Section 66-D of the Information Technology Act, 2000, at Police Station Division No.6, Police

Commissionerate, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 26.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

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

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.”*

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

“The report as sought vide order dated 04.07.2022 is as under:-

- (1) As per statement of Investigating Officer, there are two accused arrayed in the FIR i.e. Anil Katyal and Dev Raj Katyal accused/petitioners.*

(2) As per statement of Investigating Officer accused are not proclaimed offender in this case.

(3) In view of the statements of complainant Dr. Jaswant Singh Thind and Anil Katyal and Dev Raj Katyal accused/petitioners, the compromise is genuine, voluntary and without any coercion or undue influence.

(4) As per statement of Investigating Officer accused are not involved in any other F.I.R.

(5) Statement of Investigating Officer Surjit Singh Inspector has been recorded and as per his statement, there is only one victim/complaint i.e. Dr. Jaswant Singh Thind in the present F.I.R.

Photostat copies of the statements of the parties and Investigating Officer are attached herewith for the kind perusal of His Lordship.

Submitted please.

*Yours faithfully,
(Amit Kumar Garg, PCS)
Chief Judicial Magistrate,
Jalandhar”*

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 and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent No.2 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 petitioner 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. 135 dated 08.07.2021 registered under Sections under Sections 417, 419, 420 and 511 of the Indian Penal Code, 1860 and 66-D of Information Technology Act, 2000 at Police Station Division No. 6, Police Commissionerate, District Jalandhar 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.

July 26, 2022
amit rana

(VIKAS BAHL)
JUDGE

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