

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9247-2018(O&M)
Date of decision : 02.06.2022

Rajesh Sharma

... Petitioner

Versus

State of U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Anter Singh Brar, Advocate
for the petitioner.

Mr.B.R. Rana, Advocate for
Mr.J.S. Toor, APP for U. T. Chandigarh.

Mr.A.S.Khinda, Advocate for
Mr.B.S.Bali, Avocate
for respondent no.4.

VIKAS BAHL, J.(ORAL)

CRM-20832-2022

This is an application under Section 482 Cr.P.C. for preponing the date of hearing and further prayed that the petition be decided on the basis of report as per order dated 14.09.2021.

Notice in the application.

Learned counsel for U. T. Chandigarh and respondent no.4 have no objection in case the present application is allowed.

In view of the averments made in the application and no objection given by learned counsel for U. T. Chandigarh and respondent no.4, the present application is allowed and the main petition is postponed from 19.09.2022 to today itself, i.e. 02.06.2022.

CRM-M-9247-2018

quashing of FIR no.150 dated 21.09.2017 registered under Section 406 IPC at Police Station I.T. Park, Chandigarh, U. T. Chandigarh and all other consequential proceedings arising therefrom.

On 14.09.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video-conferencing.

Notice of motion was issued on 06.03.2018.

Main petition relates to quashing of FIR No.150 dated 21.09.2017 under Section 406 IPC, Police Station I.T. Park, Chandigarh.

During pendency of present petition, petitioner filed CRM No.9421 of 2020 for quashing of present FIR on the basis of compromise.

It appears that the aforesaid application has not been taken up so far and the trial Court is proceeding with the trial which is fixed for 27.09.2021 for recording of prosecution evidence.

Notice in CRM No.9421 of 2020.

On the asking of the Court, Mr. J.S. Toor, A.P.P., UT, Chandigarh accepts notice.

In view of facts and circumstances of the case, it would be appropriate to direct the trial Court to record statement of the complainant in the context of compromise also and send a report to this effect by 13.01.2022, i.e. the date already fixed in the main case.

14.09.2021

**(RAJ MOHAN SINGH)
JUDGE”**

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

“After going through the statement suffered by complainant Joginder Singh in the Court and Compromise Deed Ex.C1, this Court is of the considered opinion that Compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter.

This report along with copy of statement of Complainant and annexures is submitted as desired by Hon'ble High Court vide its order dated 14.09.2021.

Yours faithfully,

*(Puneet Mohinia) PCS,
Judicial Magistrate Ist Class,
Chandigarh UID No.PB0947”*

A perusal of the above said report would show that the petitioner 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 U. T. Chandigarh has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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 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**”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.150 dated 21.09.2017 registered under Section 406 IPC at Police Station I.T. Park, Chandigarh, U. T. Chandigarh and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

June 02, 2022.
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No