

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRM-M-30644-2020
Decided on : 08.04.2022

Sunny Rampal and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ankit Kharbanda, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 69 dated 11.07.2018 under Section 380 of the Indian Penal Code, 1860 registered at Police Station City Ramdas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 18.12.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

Prayer in the petition under Section 482 Cr.P.C., is for quashing of FIR No.69 dated 11.07.2018, registered under Section 380 IPC, 1860, at Police Station Ramdas Amritsar (Rural), along with all

consequential proceedings in respect thereto, on the basis of compromise, Annexure P/2 dated 04.03.2020.

Learned counsel for respondent No.2 states that he has no objection if the aforementioned FIR along with all consequential proceedings arising thereto are quashed on the basis of compromise, Annexure P/2, dated 04.03.2020.

In the circumstances, parties are directed to put in appearance before the learned trial court / Duty Magistrate concerned on 11.01.2021 for recording of their statements in view of compromise, Annexure P/2 dated 04.03.2020.

Report regarding genuineness of the compromise as also whether other persons have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc be submitted before this Court by the next date.

List on 21.01.2021.

18.12.2020

(B. S. Walia)
Judge”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Ajnala to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In this regard, statements of Amandeep Bhardwaj @ Amandeep Singh Son of Des Raj, R/o Village Gore Nangal, Tehsil Ajnala, Distt. Amritsar-respondent No. 2 and Petitioner No. 1 namely Sunny Rampal Son of Roshan Lal, R/o D7/6792, Street No. 4, Ram Nagar Colony, Islamabad, Amritsar and Petitioner No. 2 namely

Sandeep Kumar @ Lovely Son of Ramesh Kumar, R/o 954/B, Are Wali Gali, Near Lakshmi Narayan Mandir, Guru Nanak Pura, Amritsar, have been recorded. From the statements of the complainant and the accused party, it appears that compromise has been effected between the complainant and the accused party is genuine and without any coercion or undue influence.

Further, as per the report of concerned Ahlmad, there are only two accused in the present case and none of them declared as proclaimed offender in the present case and no other persons have been nominated as accused in the present FIR. Further, as per the report of Ahlmad, challan has not been filed in the present case and there is no any cross case relating to the present case.

The report, as such, is hereby submitted for your kind perusal.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioners 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 none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated

that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 69 dated 11.07.2018 under Section 380 of the Indian Penal Code,1860 registered at Police Station City Ramdas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 8th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No