

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

222

CRM-M-36854-2021  
Decided on : 10.02.2022

Promil Ralhan @ Bani

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**(Through Video Conferencing)**

PRESENT: Mr. Chandan Singh Rana, Advocate  
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Akshay Rana, Advocate  
for respondent Nos. 2 to 4.

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 258 dated 20.12.2019 registered under Sections 420 and 120-B IPC and Section 24 of Immigration Act registered at Police Station Dugri, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 21.12.2021, the following order was passed:-

*“Learned counsel for respondents No.2 to 4 has submitted that in pursuance of the order dated 25.11.2021, the parties could not appear before the trial Court/Illaq Magistrate on account of demise of a relative of respondents No.2 to 4 and thus, it is prayed that one more opportunity be*

*granted to the parties to get their statements recorded.*

*Adjourned to 10.02.2022.*

*The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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 said order, a report has been submitted by the Judicial Magistrate 1st Class, Ludhiana to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

*“It is accordingly submitted that there are three complainants/aggrieved persons namely Manjit Rani, Preeti and Manpreet Singh involved in the present case and only one accused namely Promila Ralhan @ Bani. It is also submitted that except the present case, no other criminal case is pending against accused and she has not been declared as proclaimed offender/person in this case.*

*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.*

*Thanking you,"*

A perusal of the said report would show that 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is 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 Nos. 2 to 4 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. 258 dated 20.12.2019 registered under Sections 420 and 120-B IPC and Section 24 of Immigration Act registered at Police Station Dugri, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

**(VIKAS BAHL)**  
**JUDGE**

**February 10<sup>th</sup>, 2022**  
*Mehak*

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