

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.253

CRM-M-39750-2021

Date of Decision: September 16, 2022

PARVEEN KUAMR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Munish Kamboj, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Ravinder Singh, Advocate for
Mr. Harjot Singh, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.88, dated 11.07.2020 under Sections 419, 420, 468, 471, 120-B of IPC and Sections 66(C) and 66(D) of IT Act, 2000, registered at Police Station Mukerian, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise.

On 15.11.2021 this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No.88 dated 11.07.2020 (Annexure P-1) registered under Sections 419, 420,468, 471 and 120-B of the IPC and Section 66(C) and 66(D) of the Information Technology Act, 2000, at Police Station Mukerian, District Hoshiarpur, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that in order to live peacefully, parties have entered into compromise, according to which, both the parties have agreed not to proceed

further with the FIR in question.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Harjot Singh Bedi, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. Learned counsel for respondent No.2 does not dispute the said compromise which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 02.02.2022.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise in question on 02.12.2021 by moving an appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information: -

1. Number of persons arrayed as accused in the FIR;
2. Whether any accused is a 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; and
5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

Pursuant to the aforesaid order, report dated 03.01.2022 has been received from Sub Divisional Judicial Magistrate, Mukerian. The relevant paragraph of the said report is as under:-

"i. It is submitted that the present FIR was registered against unknown person and accused Parveen Kumar, son of Ramphal, r/o Gorakhpur, District Fatehabad, Haryana was joined with the present case during the course of investigation. Now, he has appeared before this Court to record his statement.

ii. It is submitted that as per the statement of Investigating Officer, the accused is not involved in any other criminal case and he has not been declared proclaimed offender in the present case.

lii In view of the statement recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any undue pressure or coercion.

iv. As per the Statement of IO, there is only one complainant/victim i.e. complainant/respondent no. 2 Khem Singh son of Joginder Singhy present case."

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 is one accused person 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 petitioner and the complainant. 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.88, dated 11.07.2020 under Sections 419, 420, 468, 471,120-B of IPC and

Sections 66(C) and 66(D) of IT Act, 2000, registered at Police Station Mukerian, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis compromise having been effected, is quashed qua the petitioner.

September 16, 2022
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(AMAN CHAUDHARY)
JUDGE

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