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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-36552-2022 (O&M)
Date of decision : 27.10.2022

Girish Babu Kambil Cheminian

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. C.P. Tiwana, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Shailender Singh Gill, 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.31 dated 20.07.2021 registered under Section 420 of the Indian Penal Code, 1860 at Police Station NRI, SAS Nagar (Mohali), District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom.

On 11.10.2022, this Court had passed the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.31 dated 20.07.2021 registered under Section 420 IPC at Police Station NRI, S.A.S. Nagar (Mohali), District S.A.S. Nagar (Mohali) and all other consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that

although initially the petition was filed seeking quashing of FIR on merits but during the pendency of present petition, a compromise has been effected between the parties and the complainant-respondent no.2 has given an affidavit in support of said compromise.

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.*

Adjourned to 27.10.2022 ”

In pursuance of the abovesaid order, a report has been submitted by the Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, SAS Nagar. The relevant portion of the said report is reproduced hereinbelow:-

- “1. As per the statement of IO, Amandeep Singh No. 14/JPCT, posted at PS NFJ, Phase-7, Mohali, there is only one accused namely Girish Babu Kambil Cheminian.*
- 2. As per the statement of IO, Amandeep Singh No. 14JPCT, posted at PS NRI, Phase-7, Mohali, accused has never been declared proclaimed offender.*

3. *As per those statements of the parties to the case, this court is of the considered view and has acquired its satisfaction that the parties have arrived at a compromise with their free consent and voluntarily and genuinely.*

4. *As per the statement of IO, Amandeep Singh No. 14/JPCT, posted at PS NRI, Phase-7, Mohali, there is no other criminal case pending against the said accused in PS NRI, Mohali.*

5. *As per the statement of IO, Amandeep Singh No. 14/JPCT, posted at PS NRI, Phase-7, Mohali, there is only one complainant in the present case namely Ashok Kumar.”*

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 Senior counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is 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.31 dated 20.07.2021 registered under Section 420 of the Indian Penal Code, 1860 at Police Station NRI, SAS Nagar (Mohali), District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

27.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**