

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41740 of 2021
Date of Decision: September 15, 2022

Vijay Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Rabesh Kumar Kachura, Advocate for
Mr. Munish Puri, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

Ms. Deepti Rampal, Advocate
for respondent Nos.2 and 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.228, dated 04.11.2020, under Sections 325, 323, 506, 201 IPC, registered at Police Station Division No.2, District Pathankot and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 10.12.2020 (Annexure P-2).

On 13.10.2021, this Court had passed the following order:-

“[1]. This petition filed under Section 482 Cr.P.C. seeks quashing of FIR No.228 dated 04.11.2020 under Sections 325, 323, 506 & 201 of the IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1), and all subsequent proceedings arising therefrom, on the

basis of compromise.

[2]. Ld. counsel for the petitioner refers to Compromise (Annexure P-2), and states that the matter has been amicably settled between the parties.

[3]. Notice of motion.

[4]. Mr. B.S. Sewak, Additional Advocate General, Punjab to accept notice on behalf of respondent No.1.

[5]. At this stage, Ms. Deepti Rampal, Advocate has put in appearance on behalf of respondent Nos.2 to 4 and admits the factum of compromise.

[6]. Let requisite number of copies of the Paperbook be supplied to both the counsel.

[7]. In view of the matter, the parties shall appear before the Trial Court/Illaq Magistrate on 01.11.2021, for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

[8]. List on 21.12.2021. ”

Pursuant to the aforesaid order, report dated 23.12.2021 has been received from Judicial Magistrate Ist Class, Pathankot. The relevant paragraph of the said report is as under:-

“(i) That, as per statement of both the parties the compromise is genuine, voluntary and without any coercion or undue influence. I have myself asked all the persons particularly complainant Nitish Mehta, if

the present compromise is genuine one, to which all the persons, have stated and re-affirmed the factum in the statements recorded that the matter is finally settled and the compromise is without any pressure. All the persons have requested for quashing the FIR and consequent proceedings.

(ii) That, as per report of Ahlmad, there is only one accused namely Vijay Kumar. Even, accused has mentioned in his statement that no other case is pending against him and no PO proceedings are initiated against him.”

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 only one accused 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 complainants. 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.228, dated 04.11.2020, under Sections 325, 323, 506, 201 IPC, registered at Police Station Division No.2, District Pathankot and all

other consequential proceedings arising therefrom, is quashed qua the petitioner.

September 15, 2022

Sangeeta

(AMAN CHAUDHARY)

JUDGE

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