

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

256

CRM-M-41605-2021  
Decided on : 20.04.2022

Karan Kangra

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

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

**PRESENT:** Mr. Shrey Goel, Advocate  
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Abhinav Aggarwal, Advocate  
for respondent No. 2.

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

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 199 dated 31.07.2021 under Sections 406 and 420 of the Indian Penal Code, 1860 registered at Police Station Division 2, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 08.03.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioner has shown his regret that the parties could not appear before the trial Court to record their statements but has prayed that one last opportunity be granted to the parties to record their statements.*

*The parties are again directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of four weeks.*

*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 20.04.2022.*

*The statements of the parties be recorded subject to cost of Rs. 5,000/- to be deposited by the petitioner with the High Court Lawyers' Welfare Fund. The said amount would be deposited prior to giving the statements of the parties and the trial Court would only permit them to record their statements after the petitioner show the receipt of the same.*

*In case, the cost of Rs.5,000/- is not deposited by the petitioner with the High Court Lawyers' Welfare Fund, then the present petition would be deemed to have been dismissed. ”*

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

*“Parawise report is being submitted as under:*

- 1. One person namely Karan Kangra was arrayed as accused in FIR No.199 dated 31.07.2021 u/s 406, 420 of IPC PS Div.No.2, Ludhiana.*
- 2. He is not declared proclaimed offender by any court of law in this case.*
- 3. From the statements of complainant Banty and accused Karan Kangra it appears that compromise has been voluntarily effected between the parties. The compromise appears to be genuine and without any coercion or undue influence.*
- 4. As per the statement ASI Lakhvir Singh, seven other FIRS as detailed above, have been registered against accused Karan Kangra.*
- 5. As per the statement of Investigating officer ASI Lakhvir Singh there is only one complainant/victim Banty in this case.*

*As desired, the report along with statements of complainant, accused and Investigating officer are submitted for kind consideration.”*

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioner 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. Merely the fact that the petitioner is involved in other cases also, would not come in the way of quashing of the present FIR on the basis of compromise.

Learned counsel for the petitioner has submitted that the petitioner was never declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that the abovesaid fact is 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 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”, 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. 199 dated 31.07.2021 under Sections 406 and 420 of the Indian Penal Code,1860 registered at Police Station Division 2, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

April 20<sup>th</sup>, 2022  
*Mehak*

(VIKAS BAHL)  
JUDGE

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