

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(325)

CRM-M-37843-2022

Date of decision:- 29.11.2022

Swati Dhir & another

....Petitioners

Versus

State of Punjab and Others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nikhil Sabharwal Advocate,
for the petitioners.

Mr. Iqbal S. Mann, D.A.G. Punjab.

Ms. Eliza Gupta, Advocate
for the respondent No.4.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.111 dated 24.06.2015 registered under Sections 380, 509 and 34 IPC at Police Station Bhargo Camp, District Jalandhar City and all other consequential proceedings arising therefrom on the basis of compromise.

On 25.08.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.111, dated 24.06.2015 (Annexure P-1), under Sections 380, 509 and 34 of the Indian Penal Code, 1860, registered at Police Station Bhargo Camp, District Jalandhar City on the basis of compromise dated

01.07.2022 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondents No.1 to 3-State.

Ms. Eliza Gupta, Advocate has put in appearance on behalf of respondent No.4 and has filed Power of Attorney. She admits the factum of compromise entered into between the parties.

List on 29.11.2022.

In the meantime, the parties are directed to appear before the concerned Court on 15.09.2022, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender;*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- (iv) Whether the accused persons are involved in any other FIR or not.*

(SANDEEP MOUDGIL)
JUDGE”

25.08.2022

In pursuance of the said order, the report has been submitted by the Chief Judicial Magistrate, (NRI Court), Jalandhar to the Registrar (General) of this Court. The relevant part of the report is reproduced hereinbelow:-

- “a) That the FIR has been registered against two accused namely Sharuti Dhir and Swati Dhir.*
- b) That the police Challan has been filed in FIR No.111 dated 24.06.2015 U/s 380, 509, 201, 34 IPC, PS Bhargo Camp, Jalandhar. It is submitted that Section **201 IPC** has also been added by the police at the time of filing the police Challan.*
- c) That as per the statement of the Investigating Officer none of the accused has been declared as a proclaimed offender. It is submitted that further as per the statement of the Investigating Officer, the accused are not involved in any other FIR.*

- d) *That as per the statement of the parties the compromise is genuine, voluntary and without any coercion or undue influence."*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.4 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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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, this petition is allowed and FIR No.111 dated 24.06.2015 registered under Sections 380, 509 and 34 IPC at Police Station Bhargo Camp, District Jalandhar City and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

November 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No