

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M-37412-2020
Decided on : 18.05.2022

Yatin Verma @ Hamachu and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. A. A. Pathak, Addl. A.G., Punjab.

Ms. Gaganbir Kaur, Advocate for
Mr. Vishal Munjal, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 342 dated 11.10.2020 Sections 336, 337, 188 of the Indian
Penal Code, 1860 and Sections 25 and 27 of the Arms Act registered at
Police Station Civil Lines Batala, Distict Gurdaspur (Annexure P-1) and
all subsequent proceedings arising on the basis of the compromise.

On 12.11.2020, a Coordinate Bench of this Court was
pleased to pass the following order:-

*“Prayer in this petition is for quashing of
the FIR in question along with all the subsequent
proceedings arising therefrom on the basis of the
compromise entered into between the parties.*

Notice of motion.

At this stage, Ms. Bhavna Gupta, DAG, Punjab and Mr. Vishal Munjal, Advocate put in appearance and accept notice on behalf of respondent No. 1/State and respondent Nos. 2 and 3, respectively. Learned counsel for respondent Nos. 2 and 3 admits to the factum of compromise entered into between the parties.

List again on 16.04.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaqua Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaqua Magistrate 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 in FIR,*
- 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.*

However, this will be subject to payment of Rs. 10,000/- as costs, to be deposited by the petitioners with the District Legal Services Authority, concerned.

*Sd/-
12.11.2020 (ARVIND SINGH SANGWAN)
JUDGE”*

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

“Respected Sir.

I have the honour to submit that vide order dated 12.11.2020 of Hon'ble Punjab and Haryana High Court, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise on 27.11.2020. On 27.11.2020, parties appeared before this court and moved an application for recording their statements with regard to compromise, in pursuance of above said order. Vide order dated 12.11.2020 Hon'ble High Court had directed that recording of statements shall be subject to payment of Rs. 10,000/- as cost to be deposited by the petitioners with the District Legal Service Authority concerned. Petitioners have placed on record attested copy of receipt of payment of cost of Rs. 10,000/- District Legal Service Authority, Gurdaspur bearing no. 1895390 dated 13.11.2020, Original receipt was seen and returned. Accordingly, in view of order dated 12.11.2020, statements of complainant/victim and accused/petitioners were recorded on 27.11.2020 itself.

XX—XXX--XXX

8. In compliance to the aforesaid order dated 12.11.2020 of Hon'ble Punjab and Haryana High Court, point wise report is submitted as

hereunder:

- I. Three persons have been arrayed as accused in the present FIR namely Yatin Verma @ Hamachu son of Rakesh Verma (petitioner no. 1), Harsh Kumar son of Bodh Raj (petitioner no. 2) and Kiran Parkash son of Ram Singh (petitioner no. 3).*
 - II. None of the accused has been declared as proclaimed offender.*
 - III. In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.*
 - IV. None of the accused is involved in any other FIR, except the present FIR.*
- 9. As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself.”*

A perusal of the above report would show that the statements of Complainant as well as the petitioners have been recorded in the case and they 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 counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 and 3 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 342 dated 11.10.2020 Sections 336, 337, 188 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act registered at Police Station Civil Lines Batala, Distict Gurdaspur (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 18th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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