

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-38404-2022(O&M)
Decided on : 23.12.2022

Shivani Verma and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Varinder Singh, Advocate for
Mr. Nakul Sharma, Advocate
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Om Malhan, Advocate for
Mr. Hukam Singh, Advocate
for respondents No. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 92 dated 22.05.2022 under Sections 452, 323 and 34 of the
Indian Penal Code, 1860 registered at Police Station Bhargo Camp
Jalandhar, District Jalandhar (Annexure P-1) and all subsequent
proceedings arising on the basis of the compromise.

On 02.12.2022, this Court was pleased to pass the
following order:-

*“This is a petition under Section 482 Cr.P.C.
praying for quashing of FIR No.92 dated 22.05.2022
registered under Sections 452, 323, 34 IPC at Police
Station Bhargo Camp Jalandhar, District Jalandhar and*

all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that petitioner no.4 Munish Sharma is also known as Sunny and all the persons concerned are party to the compromise.

Notice of motion for 14.12.2022.

On the asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab, accepts notice on behalf of respondent no.1. Mr.Hardeep Singh, Advocate for Mr.Hukam Singh, Advocate, appears on behalf of respondent nos.2 and 3 and admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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. ”*

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

“8. Therefore as per the statement of the parties, a preliminary

report is submitted as under:-

- a) That the FIR has been registered against four accused namely Komal Verma, Munish Sharma, Shivani Verma and Rahul Verma on the complaint of complainant Gagan Verma.*
- b) That apart from the complainant Gagan Verma, there is one more victim/complainant namely Gulshan Rani in the present case.*
- c) That as per the statement of the complainant party and the statement of the accused, the compromise is genuine, voluntary, without any threat or coercion and out of free will of the parties.*
- d) That as per the statement of the accused Munish Sharma. besides the present FIR one more FIR bearing no.111 dated 16.04.2022 U/s 451, 506, 323, 34 IPC has been registered at PS Division No.8, Jalandhar against him.*
- e) That as per the statement of the parties none of the accused has been declared as a proclaimed offender.”*

The abovesaid report dated 13.12.2022 has been submitted by the Chief Judicial Magistrate, (NRI Court), Jalandhar, and is a preliminary report on account of the fact that the statement of Investigating Officer could not be recorded as he was on medical leave and subsequent to the same, a supplementary report dated 14.12.2021 was recorded after recording the statement of the Investigating Officer and the relevant portion of the said report is reproduced hereinbelow:-

“2. It is submitted that the statement of the Investigating Officer/ASI Ashok Kumar No.87, PS Bhargo Camp, Jalandhar has been recorded. As per the statement so suffered by him the supplementary report is submitted as under:-

- a) That the FIR has been registered against four accused namely Komal Verma, Munish Sharma, Shivani Verma and Rahul Verma on the complaint of complainant Gagan Verma.*
- b) That apart from the complainant Gagan Verma, there is one more victim/complainant namely Gulshan Rani in the present case.*
- c) That as per the statement of the Investigating Officer, besides the present FIR one more FIR bearing no.111 dated 16.04.2022 U/s 451, 506, 323, 34 IPC has been registered at PS Division No.8, Jalandhar against accused Munish Sharma.*
- d) That as per the statement of the Investigating Officer none of the accused has been declared as a proclaimed offender.*

The supplementary report is submitted for kind perusal and further necessary action. It is submitted that the supplementary report is also being sent through email.”

A perusal of the above report would show that it has been stated that the statements of the complainant as well as the accused 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 further submitted that none of the petitioners were 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 respondents No. 2 and 3 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainants 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. 92 dated 22.05.2022 under Sections 452, 323 and 34 of the Indian Penal Code, 1860 registered at Police Station Bhargo Camp Jalandhar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

Pending miscellaneous application, if any, shall stand disposed of.

23.12.2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No