

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45444-2021

Date of decision:22.09.2022

Pritpal Singh Gill

... Petitioner

Versus

Union Territory, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Sandhya Gaur, Advocate for the petitioner.

Mr. Y.S. Rathore, Addl. P.P. U.T. Chandigarh; with
Mr. Sudha Singh, Advocate and
Mr. Yuvraj Singh Rathore, Advocate.

Mr. Raghav Gulati, Advocate for respondents No.2 & 3.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.278 dated 25.07.2016 under Sections 324,325 IPC, registered at Police Station South Sector 34, District U.T., Chandigarh (Annexure P-1) along with all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4) entered into between the parties..

On 03.11.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Notice of motion.

On the asking of the Court, Mr. Y.S. Rathore, Addl. P.P. for U.T. Chandigarh, accepts notice on behalf of the State.

Mr. Raghav Gulati, Advocate, puts in appearance on behalf of respondent Nos.2 and 3 and files his power of attorney, through email, which is taken on record.

The counsel appearing on behalf of the petitioner, and, for the respondent Nos.2 and 3 conjointly pray for the quashing of FIR No.0278, dated 25.07.2016, constituting therein offences, under Sections 324/325 of the IPC, 1860,

registered at Police Station South Sector 34, District U.T. Chandigarh alongwith all other subsequent and consequential proceedings, arising from the said FIR, on the basis of compromise borne in Annexure P-4, hence drawn interse the petitioner, and, the contesting respondents. Therefore, the learned Magistrate concerned, is directed to, within four weeks record the statements of the parties vis-a-vis the genuineness and authenticity of the memorandum of understanding/ compromise, arrived at amongst the petitioner and the contesting respondents, compromise whereof is borne in Annexure P-4.

The report of the Magistrate concerned, be placed before the next date of hearing.

Adjourned to 18.01.2022.

(SURESHWAR THAKUR)

03.11.2021

JUDGE”

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

“It is respectfully submitted that the aforesaid FIR was lodged by the complainant Ms. Harjot Kaur Gill against accused Pritpal Singh Gill. Keeping in view all aspects and statements of the complainant, victim/injured and the accused, I am of the considered view that the Memorandum of Understanding is genuine and authentic and has been freely entered into between the parties without any undue influence, coercion or pressure of any kind. Also, the statements of the parties are bonafide and are not result of any threat or coercion.

Submitted please.

Yours faithfully,

*(Mayank Marwaha)
Judicial Magistrate 1st Class,
Chandigarh
UID NO.PB0531”*

A perusal of the above said report would show that the petitioner and respondents No.2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the

petitioner was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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, 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

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.278 dated 25.07.2016 under Sections 324,325 IPC, registered at Police Station South Sector 34, District U.T., Chandigarh (Annexure P-1) along with all other consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

22.09.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No