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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-42820-2021

Date of decision : 15.09.2022

Meenu Kumari and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ravi Malhotra, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Naveen Upadhyay, Advocate for
Mr. Vipin Kumar, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.187 dated 07.07.2021 registered under Sections 323/452/380/427/120-B/506 of the Indian Penal Code, 1860 at Police Station Haibowal, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.10.2021, this Court had passed the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.187 dated 07.07.2021 registered under Sections 323/452/380/427/120-B/506 of the Indian Penal Code, 1860 at Police Station Haibowal, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 01.09.2021 (Annexure P-2).

Learned counsel for the petitioners has submitted that

all the persons concerned are party to the compromise.

Notice of motion for 11.01.2022.

On asking of the Court, Mr. A.K. Kaundal, DAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Vipin Kumar, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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.”*

Thereafter, the parties had moved an application, since they could not appear before the trial Court on the date mentioned in the abovesaid order, thus, they had sought one more opportunity to appear before the trial Court and the same was granted on 20.12.2021. The order dated 20.12.2021 passed by this Court is reproduced hereunder:-

“This is an application under Section 482 Cr.P.C. for grant of one more opportunity to parties to get their statements recorded before the Magistrate.

Notice in the application.

Learned counsel for the applicants-petitioners and

learned counsel for respondent no.2 have submitted that the main case is pending for 11.01.2022 and as per order dated 25.10.2021, this Court had directed the parties to get their statements recorded within a period of 15 days but however on account of death of a near relative, the same could not be recorded and thus, the parties seek a further period of 15 days to get their statements recorded.

In view of the same, the present application is disposed of by granting a further period of 15 days to the parties to get their statements recorded.”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Ludhiana. The relevant portion of the said report is reproduced hereinbelow:-

“i) Three persons are arrayed as accused namely Meenu Kumari, Paramjit Singh @ Pamma and Sukhwinder Kumar @ Manni.

ii) No accused is proclaimed offender in this case.

iii) The compromise is found to be genuine, voluntary and without any coercion or undue influence.

iv) Accused Sukhwinder Kumar @ Mani is also involved in another FIR No.248 dated 27.05.2018, u/s 323, 324, 452, 506, 148, 149 of IPC, P.S. Salem Tabri, Ludhiana.

v) Statement of Investigating Officer ASI Davinder Singh ws recorded and as per that there is no other victims/complainant except complainant Varinder Kumar.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused 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.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent No.2 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 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**”, reported as **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”, reported as **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.187 dated 07.07.2021 registered under Sections 323/452/380/427/120-B/506 of the Indian Penal Code, 1860 at Police Station Haibowal, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

15.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No