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

CRM-16053-2022 in/and
CRM-M-34028-2019 (O&M)
Date of decision : 06.05.2022

Ravinder Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munish Gupta, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Varun Mittal, Advocate for
Mr. Armaan Gagneja, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-16053-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 07.09.2022 to an early date.

Learned counsel for the applicant-petitioners has submitted that the present matter has been compromised and the statements of the parties have already been recorded.

Notice in the application.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and

Mr. Varun Mittal, Advocate for Mr. Armaan Gagneja, Advocate appears on behalf of non-applicant/respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 07.09.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 07.09.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.36 dated 10.03.2019 registered under Sections 420, 406, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (Sections 467, 468, 471, 120-B of IPC have been added later on) at Police Station Sadar Nabha, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.08.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Contends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. Venu Gopal Jauhar, Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.

Mr. Armaan Gagneja, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to

learned Counsel for the respondents during the course of the day.

Petitioners will file their respective affidavits before learned Illaqa Magistrate/trial Court that there is no other criminal case pending against them and also give the details of any other FIR(s), if any, which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 25.09.2019 to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*
- (vi). whether any of the petitioner(s) is/are previous convict or not?*

List before this Court on 04.11.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any

objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.

August 22, 2019

Sd/-(MAHABIR SINGH SINDHU)

JUDGE ”

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

“From the statements of the complainant Gurdhian Singh as well as accused Ravinder Kumar, Rupali Jindal and Pardeep Kumar, this Court is satisfied that the parties have suffered the statements voluntarily and without any pressure and coercion and compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. As per record, there is one complainant Gurdhian Singh and total three accused namely Ravinder Kumar, Rupali Jindal and Pardeep Kumar. None of the accused have been declared proclaimed offender and they are not previous convict nor any case is pending against them.

The statements along with documents are annexed herewith for your kind perusal and necessary action, please.

Thanking you,

Sincerely

Sd/- Manni Arora (PB0313)

Sub Divisional Judicial Magistrate

Nabha ”

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 and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are 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 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**”, 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.36 dated 10.03.2019 registered under Sections 420, 406, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (Sections 467, 468, 471, 120-B of IPC have been added later on) at Police Station Sadar Nabha, District Patiala 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.

06.05.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No