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

CRM-M-44045-2021 (O&M)
Date of decision : 15.09.2022

Lashkar Ram @ Lakhwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Ms. Paramjit Kaur, Advocate for
Mr. Prabhjot Singh, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

Learned counsel for the petitioner, at the outset, submits that Sections 465, 467, 468 and 471 of IPC have been added subsequently, therefore, the same have not been mentioned in the headnote and prayer clause of the petition and thus, has made an oral request that Sections 465, 467, 468 and 471 of IPC may kindly be added in the headnote and prayer clause of the petition in addition to the Sections which have already been mentioned in the same.

Learned counsel for the State and the complainant have reiterated the fact that the abovesaid Sections have been added subsequently.

In view of the above, Sections 465, 467, 468 and 471 of IPC be added in the headnote and prayer clause of the petition.

Registry is directed to carry out the necessary corrections.

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.14 dated 06.03.2021 registered under Section 420 of the Indian Penal Code, 1860 (Sections 465, 467, 468 and 471 of IPC have been added later on) and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Nurmahal, District Jalandhar (Rural) 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 Cr.P.C. for quashing of FIR No.14 dated 06.03.2021 registered under Section 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Nurmahal, District Jalandhar (Rural) and all the subsequent proceedings arising therefrom on the basis of compromise dated 30.09.2021 (Annexure P-2).

Learned counsel for the petitioner 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 Ms. Nritika Verma, 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 one month.

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 26.08.2022 by this Court. The order dated 26.08.2022 is reproduced herein as under:-

“This is an application under Section 482 Cr.P.C. for issuance of direction to the trial Court / Duty Magistrate to record the statements of parties regarding compromise in pursuance of the directions given by this Court vide order dated 25.10.2021.

The application is allowed and last opportunity is granted to the parties to get their statements recorded in pursuance of the order dated 25.10.2021 and time for recording of statements is extended upto 06.09.2022 subject to payment of costs of Rs.5000/- in the High Court Lawyers' Welfare Fund and the 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 abovesaid orders, a report has been submitted by the Judicial Magistrate Ist Class, Phillaur. The relevant portion of the said report is reproduced hereinbelow:-

“From the statement of the parties, the undersigned is satisfied that the compromise has been effected between the respondent/complainant and accused/Petitioner is voluntarily and genuine. There is only one accused is arrayed in the FIR and No accused was declared Proclaimed offender in the present case. There is no other case/FIR filed against these accused and no other proceeding is pending against accused/petitioner.

The compliance report along with statements of parties recorded by the undersigned are submitted herewith.”

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 petitioner has submitted that the petitioner was 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 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.14 dated 06.03.2021 registered under Section 420 of the Indian Penal Code, 1860 (Sections 465, 467, 468 and 471 of IPC have been added later on) and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Nurmahal, District Jalandhar (Rural) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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