

257

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

CRM-M-44121-2021

Date of decision : 10.10.2022

Neeraj

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Mahal, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. G.S. Randhawa, Advocate for
Mr. M.S. Bajwa, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.70 dated 03.06.2021 registered under Sections 279, 427, 337, 338 of the Indian Penal Code, 1860 at Police Station D-Division, District Police Commissionerate Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.10.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition is for quashing of the FIR in question on the basis of the compromise entered into between the parties.

Notice of motion.

At this stage, Mr. Ramandeep Sandhu, Sr. DAG, Punjab and Mr. M. S. Bajwa, Advocate put in appearance and accept notice on behalf of the respondent-State and respondent No. 2/complainant. Learned counsel for respondent No. 2/complainant admits to the factum of compromise entered into between the parties.

List again on 28.01.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaq Magistrate 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 in FIR,*
- 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.*

25.10.2021

Sd/- (ARVIND SINGH SANGWAN)

JUDGE ”

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

“3. Statement of Investigating Officer in the present case has also been recorded in which he stated that the present FIR was registered against only one accused namely Neeraj and there is no PO proceedings pending against any of the

parties. The accused is not involved in any other case. Only one complainant and only one accused has been arrayed in this case.

4. Therefore, in light of the statements suffered by the parties and as per the terms of the compromise effected between them, it appears that the parties have entered into a genuine compromise as per their free will and without any undue influence. However, compromise has been effected between the complainant and only one accused namely Neeraj.”

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.70 dated 03.06.2021 registered under Sections 279, 427, 337, 338 of the Indian Penal Code, 1860 at Police Station D-Division, District Police Commissionerate Amritsar (Annexure P-1) 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.

10.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**