

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

249

CRM-M-45010-2021
Decided on : 21.04.2022

Pankaj

. . . Petitioner

Versus

State of U.T. Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Ankur Bali, Additional P. P., U.T., Chandigarh.

Mr. Pawan Kumar, Advocate for
Mr. Manoj Chahal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 172 dated 21.10.2016 under Sections 279, 337 and 338 of the Indian Penal Code, 1860 registered at Police Station North Sector-3, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 16.03.2022, this Court was pleased to pass the following order:-

“CRM-8330-2022

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 10.10.2022 to an early date.

Learned counsel for the applicant-petitioner has submitted that in the present case, compromise has been effected between the parties and the statements of the parties are yet to be recorded and thus, prays for preponement of the date of hearing in the main case.

Notice in the application.

On advance notice, Mr. Ankur Bali, Addl. P.P. UT Chandigarh, appears and accepts notice on behalf of the non-applicant/UT Chandigarh and Mr. Manoj Chahal, 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 10.10.2022 to today itself.

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 10.10.2022 to today and the same is taken on Board today itself.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.172 dated 21.10.2016 registered under Sections 279, 337 and 338 of the Indian Penal Code, 1860 at Police Station North Sector3, UT Chandigarh (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise. Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 21.04.2022.

On asking of the Court, Mr. Ankur Bali,

Addl. P.P. UT Chandigarh appears and accepts notice on behalf of the respondent-UT Chandigarh and Mr. Manoj Chahal, 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”*

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

“Statement of SI Narinder Singh, Belt no. 1270/CHG, PS-03. Chandigarh was also recorded

wherein he stated that he is the IO in the present FIR. As per record, there is only one accused arrayed in the present FIR namely Pankaj. There is only one complainant namely Rajbir Singh in present FIR. As per record, there is no pending or previous P.O. proceeding against accused Pankaj. No other trial/proceeding is pending against aforesaid accused person. Since the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, who have no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete, genuine, valid and good in the eyes of law. Therefore, report is thus submitted for your goodself's perusal."

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioner 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 never declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent No. 2 has reiterated the

factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 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. 172 dated 21.10.2016 under Sections 279, 337 and 338 of the Indian Penal Code,1860 registered at Police Station North Sector-3, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

April 21st, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No