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

CRM-M-42895-2022

Date of decision : 17.10.2022

Mohit Marwaha and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Saurabh Singh, Advocate for
Ms. Rishma Verma, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Ms. Jasneet Mehra, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.119 dated 23.07.2018 registered under Sections 380 and 34 of the Indian Penal Code, 1860 at Police Station Division No.2, Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.09.2022, this Court had passed the following order:-

“This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.119 dated 23.07.2018 registered under Sections 380 and 34 of the Indian Penal Code, 1860 at Police Station Division No.2, Jalandhar and all the subsequent proceedings arising therefrom on the

basis of compromise.

Learned counsel for the petitioners has submitted that the first petition was withdrawn on 08.04.2022 as compromise was not fully fructified. It is further submitted that now, the parties are ready to get their statements recorded before the trial Court.

Notice of motion for 17.10.2022.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Jasneet Mehra, Advocate appears on behalf of respondent Nos.2 and 3.

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

“3) As per the statements of complainant/respondent No.2-Virinder Sachdeva, respondent No.2 Anand Kumar Duggal, accused/petitioner-1 Mohit Marwaha and

accused/petitioner no.2-Surinder Kumar Marwaha, the compromise is genuine, voluntary and without any coercion or undue influence. The identity of the respondent/complainant No.2, respondent no.3 and petitioners/ accused was also ensured and the photocopy of their Aadhar Card is attached with their statements, respectively.

4) As per the statement of accused/petitioner no.1- Mohit Marwaha, accused/petitioner no.2- Surinder Kumar Marwaha and Investigating Officer, no other criminal case/proceeding is pending against the accused/petitioners namely, Mohit Marwaha and Surinder Kumar Marwaha and they are not involved in any other FIR.

5) As per the statement of accused/petitioner no.1- Mohit Marwaha, accused/petitioner no.2- Surinder Kumar Marwaha and Investigating Officer, there is one complainant- Virinder Sachdeva and one victim -Anand Kumar Duggal in the present FIR.

6) Hence, the requisite report is submitted for the present case for kind perusal of your goodself.”

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 Nos.2 and 3 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.119 dated 23.07.2018 registered under Sections 380 and 34 of the Indian Penal Code, 1860 at Police Station Division No.2, Jalandhar 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.

17.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No