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

CRM-5064-2022 in/and
CRM-M-47015-2021 (O&M)
Date of decision : 18.02.2022

Major Singh

...Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Arora, Advocate for the petitioner.

Mr. Ankur Bali, APP, U.T. Chandigarh.

Mr. Yashpal Thakur, Advocate for respondent Nos.2 and 3.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

CRM-5064-2022

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 22.09.2022 to an early date.

Learned counsel for the applicant-petitioner 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. Ankur Bali, APP, U.T. Chandigarh, appears and accepts notice on behalf of the non-applicant/UT, Chandigarh and Mr. Yashpal Thakur, Advocate appears on behalf of non-applicant/respondent Nos.2 and 3 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 22.09.2022 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 22.09.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.246 dated 11.08.2018 registered under Sections 279, 337 of the Indian Penal Code, 1860 (Section 338 of IPC has been added later on) at Police Station Industrial Area, Chandigarh (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 10.11.2021, this Court had passed the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.246 dated 11.08.2018 registered under Sections 279, 337 of the Indian Penal Code, 1860 (Section 338 of IPC has been added later on) at Police Station Industrial Area, Chandigarh (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 02.11.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 18.01.2022.

On asking of the Court, Mr. Ankur Bali, APP, U.T. Chandigarh, appears and accepts notice on behalf of respondent No.1 and Mr. Yashpal Thakur, 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 Chief Judicial Magistrate, Chandigarh. The relevant portion of the said report is reproduced hereinbelow:-

“2. In view of above statements, compromise as effected between the complainant, victim and accused appears to be genuine and effected without any fear, pressure or undue influence. One person Major Singh has been arrayed as accused and he is not declared proclaimed offender. As per statement of accused and IO, accused is not involved in any

other criminal case. As per statement of IO, there is one complainant Pradeep Kumar and one victim Rajeev Kumar in this case. Copies of statements of parties are enclosed herewith for information and necessary action please.

Thanking you,

Yours Sincerely,

Sd/- (Dr. Aman Inder Singh) 30.11.2021

Encl. As Above

*Chief Judicial Magistrate,
Chandigarh (UID HR0303)”*

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 and there are no other cases pending against the petitioner. Learned counsel for the UT Chandigarh, as per instructions has stated that these facts are 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 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.246 dated 11.08.2018 registered under Sections 279, 337 of the Indian Penal Code, 1860 (Section 338 of IPC has been added later on) at Police Station Industrial Area, Chandigarh (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.

18.02.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No