

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

CRM-M-45945-2022

Date of decision : 20.10.2022

Shalinder Kumar

...Petitioner

Versus

U. T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.26 dated 30.08.2022 registered under Sections 420, 120-B IPC of the Indian Penal Code, 1860 at Police Station Cyber Crime, Chandigarh, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 30.09.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.26 dated 30.08.2022 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Cyber Crime, 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 20.10.2022.

On asking of the Court, Mr. Viranjeet Singh Mahal, Addl. PP UT Chandigarh appears and accepts notice on behalf of the

respondent-State and Mr. Lalit Sharma, 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.*

30.09.2022 **(VIKAS BAHL)**
JUDGE”

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

- “i) In the present case FIR only person namely Shailender Kumar is arrayed as accused.*
- ii) No accused is not declared as Proclaimed offender.*
- iii) Compromise between complainant Narender Chandel and accused person namely Shailender Kumar is valid and genuine and it is voluntarily effected between the said parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter.*
- iv) As per statement of IO, accused is not involved in any other FIR or case.*
- v) As per statement of IO, Narinder Chandel is the only complainant/victim in the present case FIR and compromise has been effected between the victim/complainant as well as accused.”*

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.

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.26 dated 30.08.2022 registered under Sections 420, 120-B IPC of the Indian Penal Code, 1860 at Police Station Cyber Crime, Chandigarh, and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

20.10.2022*Davinder Kumar***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**