

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(237)

CRM-M-53137-2021

Date of decision: - 07.02.2022

Jyoti Sharma

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. H.S. Dhandi, Advocate,
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Simranjit Singh, Advocate
for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.99 dated 22.07.2021 registered under Section 380 IPC at Police Station Shimlapuri, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 07.11.2021 (Annexure P-2).

On 20.12.2021, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.99 dated 22.07.2021 registered under Section 380

IPC at Police Station Shimlapuri, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 07.11.2021 (Annexure P-2).

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

Notice of motion.

On the asking of the Court, Mr. Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of respondent no.1. Mr.Simranjit Singh, Advocate, appears on behalf of respondent no.2 and admits the factum of compromise.

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.*
- Adjourned to 07.02.2022.”*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Ludhiana, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“Accordingly, the statement of accused/petitioner namely Jyoti Sharma aged about 37 years wife of Amrish Kumar R/O House No.7300, Street No.07, Mohalla Gobind Nagar, Near Mair Di Chakki, P.S.Shimlapuri, District Ludhiana and complainant/respondent No.2

Kamal Krishan son of Late Nobhat Rai R/O House No.7300, Street No.07. Mohalla Gobind Nagar, Near Mair Di Chakki, P.S.Shimlapuri, District Ludhiana, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel.

It is respectfully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, only petitioner is arrayed as accused in the FIR and he has not been declared as Proclaimed Offender nor he involved in any other FIR.

As per the statement of Investigating Officer, there is only one victim/complainant in the FIR.

So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

The statement of the complainant along with the statement of accused are being sent with this report for your's Honours kind perusal.

Yours faithfully,

Palwinder Singh

Judicial Magistrate 1st Class,

Ludhiana UID Code: PB-0413”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and she has not been declared a proclaimed offender. Learned counsel for the State, as per instructions,

has stated that this 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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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 feel that the same was 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, this petition is allowed and FIR No.99 dated 22.07.2021 registered under Section 380 IPC at Police Station Shimlapuri, District Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

February 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No