

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

246

CRM-M-1372-2022  
Decided on : 23.03.2022

Heera Lal and others

. . . Petitioners

Versus

U. T. Chandigarh and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. Durga Dutt Sharma, Advocate  
for the petitioners.

Mr. Shashank Bhandari, APP, U.T., Chandigarh.

Mr. Sagar Sethi, Advocate  
for respondent No. 2-complainant.

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 14 dated 30.01.2019 under Sections 147, 149 and 325 of the Indian Penal Code, 1860 (Sections 454 and 455 IPC added later on) registered at Police Station Maloya, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 23.02.2022, the following order was passed:-

*“Learned counsel for the petitioner and respondent No. 2 have submitted that in the present case, respondent No. 2 could not appear before the trial Court for recording the statement in view of the fact that she*

*was not well as has already been stated by learned counsel before the trial Court and in view of the same, he seeks 15 days' more time to get the statements recorded.*

*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/affidavit 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 23.03.2022”*

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

*“6. As desired by the Hon'ble High Court, considering the statement of complainant, accused and ASI Rajesh Kumar 255/CP, my point wise report is as under :*

- (1).That, as per statement of ASI Rajesh Kumar 255/CP, only five persons namely Heera Lal, Raman Kumar, Satish @ Moti Lal, Manisha and Sandeep Kaur have been arrayed as accused.*

(2).That, as per statement of ASI Rajesh Kumar 255/CP, accused have not been declared Proclaimed Offenders in the present case.

(3).That, considering the statements of parties i.e. complainant and the accused that they have amicably settled their dispute and now the complainant does not want to take any further action against the accused, so in my considered opinion the compromise effected between the parties is quite genuine, without any coercion or undue influence from any side.

(4).That, as per statement of ASI Rajesh Kumar 255/CP, no accused in the present case is involved in any other FIR.

(5).That, as per statement of ASI Rajesh Kumar 255/CP, Neelam is the only victim/affected/aggrieved party, who has been arrayed as complainant.

Therefore, the report as sought by your honour is being sent for your kind perusal. (Statements of complainant, accused, statement of ASI Rajesh Kumar Belt No.255/CP and copy of compromise Ex.C1), are annexed with this report for your kind perusal.”

A perusal of the said report would show that 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 none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these 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 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*”, 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. 14 dated 30.01.2019 under Sections 147, 149 and 325 of the Indian Penal Code,1860 (Sections 454 and 455 IPC added later on) registered at Police Station Maloya, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)  
JUDGE

March 23<sup>rd</sup>, 2022  
*Mehak*

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