

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-47101-2019(O&M)
Decided on : 16.05.2022

Jatinder Singh

. . . Petitioner

Versus

U.T. Chandigarh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. A. S. Sivia, Advocate
for the petitioner.

Mr. Ashish Rana, Advocate for
Mr. Amit Kumar Goyal, APP, U.T. Chandigarh.

Respondent No. 2 in person.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 605 dated 16.12.2015 under Section 279 of the Indian Penal Code, 1860 and Section 3/181 of the Motor Vehicle Act registered at Police Station Sector 34, South, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 05.11.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed seeking quashing of FIR No. 605 dated 16.12.2015, registered for the alleged commission of an offence punishable under Section 279 of the IPC and Section 3/181 of the Motor Vehicles Act, at Police Station Sector 34, South District

Chandigarh, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioner and respondent no.2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion be issued, returnable on 16.12.2019.

In the meanwhile, the petitioner as also respondent no.2, would appear before the learned trial court up-to 27.11.2019 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The trial court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The State would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioner.

Sd/-
November 05,2019 (AMOL RATTAN SINGH)
JUDGE”

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class-cum-CJ(JD), Chandigarh

to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Therefore, in view of the statement suffered by the Sub Inspector Nar Singh, PS Sector 34, Chandigarh, information on point No. 1 to 3 is as follows:

- i. **Whether there is any other person involved in the occurrence, who is not a party to the present Petition and whose consent for the compromise would be required-*** As per the statement of Station House Officer concerned, only Jatinder Singh is arrayed as accused in FIR in present case. Moreover, record of this case has been perused whereby FIR was lodged only against Jatinder Singh and even final report under Section 173 Cr.PC was filed only against accused Jatinder Singh. Moreover, the complainant is the only injured and aggrieved person as per the FIR lodged.
- ii. **Whether any accused is Proclaimed Offender-*** As per the perusal of the entire record of the Court and as per the statements of the concerned IO, PS Sector 34, Chandigarh and Crl. Ahlmad, Jatinder Singh, it is submitted that accused Jatinder Singh has not been declared Proclaimed Offender in the present case.
- iii. **Whether the compromise is genuine, voluntary and without any coercion or undue influence-*** The undersigned being

Trial Court has also recorded the statement of complainant and accused. The undersigned had perused the said statements. After perusing the said statements, the undersigned is of considered view that the compromise between both the parties i.e. complainant and the accused has been entered into genuinely, voluntarily and without any coercion or undue influence.

Therefore, the information sought on the above said three points is hereby submitted as above. It is also submitted that the statements of parties and statement of IO-SI Nar Singh, Police Station, Sector 34, Chandigarh along with statement of Crl. Ahlmad Jatinder Singh are enclosed as annexures with this letter for your kind perusal. The report of the Trial Court is hereby submitted for your kind perusal. The next date before the Hon'ble High Court is 16.12.2019

Thanking you."

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioner have been recorded in the case and they 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

petitioners was not declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Respondent No. 2 has appeared in person and 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 605 dated 16.12.2015 under Section 279 of the Indian Penal Code,1860 and Section 3/181 of the Motor Vehicle Act registered at Police Station Sector 34, South, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, shall dispose of with the abovesaid order.

(VIKAS BAHL)
JUDGE

May 16th, 2022
Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No