

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-61082-2022 (O&M)

Reserved on: 01.02.2023

Pronounced on: 24.02.2023

Akash Mehra

... Petitioner(s)

Versus

State of Punjab & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. B.S. Bhalla, Advocate
for the petitioner(s).

Mr. Aditya Kapoor, AAG, Punjab.

Mr. Shivender Pal Singh, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
92	14.4.2021	Civil Lines, District Police Commissionerate, Amritsar	379B and Section 411 IPC (added later on) and Section 473 IPC, as per trial Court report.

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person has compromised the matter, and his affidavit is annexed with this petition as Annexure P-2.

3. After that, the petitioner came up before this Court to quash the FIR, impleading the aggrieved person as respondent no.2.

4. This court had asked the parties to appear before the concerned court and had asked the said court to give its report as per the format. The report reads as follows:

Name of the reporting Court	Additional Sessions Judge, Amritsar
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FIR No.	Dated	Police Station	Sections
92	14.4.2021	Civil Lines, District Police Commissionerate, Amritsar	379B and Section 411 IPC (added later on) and Section 473 IPC, as per trial Court report.

Criminal Case no. before trial Court	SC-503 of 2021
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Sh. Vikas Verma, Advocate
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	15.04.2021
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	Two persons have been arrayed as accused but challan was presented and further committed to the Court of Sessions only against one accused namely Akash Mehra whereas other accused namely Sunny has been kept in column no.2 of the challan by the police with remarks "yet to be arrested"
7.	Dates on which the statement(s) of the accused persons(s) recorded	Statement of accused namely Akash Mehra was recorded in the court on 12.01.2023.
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	No. Only accused Akash Mehra has compromised the matter whereas other accused namely Sunny was kept in column no.2 of the challan by the police with remarks "yet to be arrested"
9.	Whether proclamation proceedings are pending against any accused?	Only case of accused Akash Mehra has been committed to the court of undersigned by the learned lower Court and the name of other accused namely Sunny has been kept in the column no.2 of the challan by the police with remarks "yet to be arrested"
10.	Has the police report been filed or not?	Yes. Only against accused Akash Mehra
11.	Notice of accusation /Charges have	Yes. Charge framed upon accused

	been framed or not?	Akash Mehra on 26.08.2021.
12.	Sections of statutes invoked in the matter	Under sections 379-B, 411, 473 IPC.
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes.

ANALYSIS & REASONING:

5. Despite the opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, all the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

6. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

7. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

8. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stand vitiated.”

9. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings *qua* the petitioner only. The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

February 24, 2023
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Whether speaking/reasoned : Yes
Whether reportable : No