



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-1387-2024

Date of Decision: 25.07.2024

Sanjeet Mehta

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Abhishek Chaudhary, Advocate for
Mr. Aayush Gupta, Advocate for the petitioner.

Ms. Rishu Madan, A.A.G., Punjab.

Mr. Davinder Singh, Advocate
for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition for quashing of FIR No. 0105 dated 26.05.2019 (Annexure P-1) registered under Sections 363, 366 IPC (Sections 366-A, 120-B IPC added later on) (Section 366 IPC deleted later on) registered at Police Station Haibowal, District Police Commissionerate, Ludhiana and order dated 30.11.2021 (Annexure P-2) whereby the petitioner has been declared proclaimed offender by the learned trial Court alongwith all consequential proceedings arising therefrom, on the basis of compromise dated 13.10.2023 (Annexure P-6) effected between the parties.

Pursuant to the order dated 05.02.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana to get their statements recorded. Learned Judicial Magistrate



1st Class, Ludhiana has submitted her report along with statements of the parties vide letter dated 27.02.2024 duly forwarded by the learned District and Sessions Judge, Ludhiana on 28.02.2024.

A perusal of the above said report would show that there were 2 accused, namely Sanjeet Mehta and Ranjit Mehta arraigned in the FIR and out of them Sanjeet Mehta (petitioner herein) and respondent No. 2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence. It is further stated therein that vide order dated 30.11.2021 passed by the then learned Judicial Magistrate 1st Class, Ludhiana, accused Sanjeet Mehta was declared proclaimed absconder in the present FIR. However, on 21.02.2024, learned Additional Sessions Judge, Ludhiana granted bail to the accused Sanjeet Mehta S/o Radhey Shyam and the accused Sanjeet Mehta is on bail.

Learned counsel for the petitioner, *inter alia*, submits that petitioner-Sanjeet Mehta and respondent No. 3-Laxmi Mehta, were in love affair with each other and they had the apprehension that respondent No. 2-Murari Kumar Mehta-complainant/father of respondent No. 3, would kill them. In order to protect their life and liberty the petitioner and respondent No. 3 ran away and respondent No. 2 got registered the aforesaid FIR (Annexure P-1) against petitioner. Furthermore, it is submitted that petitioner and respondent No. 3 have performed marriage and two male children were born out of the said wedlock on 21.10.2020 and 01.07.2023. Learned counsel submits that petitioner and



respondents No. 2 and 3 are party to the compromise.

Learned State counsel, on instructions from HC Surinder Singh, submits that the petitioner has surrendered before the learned Additional Sessions Judge, Ludhiana on 21.02.2024 and thereupon the petitioner is released on bail. A copy of the said zimni order is taken on record. Learned State counsel has stated that she has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

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

After perusing the report submitted by the learned Judicial Magistrate 1st Class, Ludhiana, this Court finds that the matter has been amicably settled between the petitioner and respondents No. 2 and 3. 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 proceedings 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 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 here-in-below:-

“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.”

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 0105 dated 26.05.2019 (Annexure P-1) registered under Sections 363, 366 IPC (Sections 366-A, 120-B IPC added later on) (Section 366 IPC deleted later on) registered at Police Station Haibowal, District Police Commissionerate, Ludhiana and order dated 30.11.2021 (Annexure P-2) whereby the petitioner has been declared proclaimed offender by the learned trial Court alongwith all consequential proceedings arising therefrom, on the basis of compromise dated 13.10.2023 (Annexure P-6), are ordered to be quashed qua the petitioner.

25.07.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No