

CRM-41837-2021 in/and  
CRM-M-1083-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(126)

CRM-41837-2021 in/and  
CRM-M-1083-2021  
Date of Decision:-14.12.2021.

Anant Kumar Sharma and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

\*\*\*\*

Present: Mr. Himanshu Rao, Advocate for the applicants/petitioners.

Mr. Manish Dadwal, AAG, Haryana.

None for respondent No.2.

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

**CRM-41837-2021**

This is an application under Section 482 of Cr.P.C. for preponing the date of hearing.

For the reasons mentioned in the application, same is allowed and the main case is taken up on Board for disposal today itself.

**CRM-M-1083-2021**

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.584 dated 18.09.2020, registered under Sections 435, 506 and 34 of IPC at Police Station Model Town, District Rewari (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

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On 11.01.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“The case has been taken up for hearing through video-conferencing.*

*Prayer made in this petition is for quashing of FIR on the basis of compromise.*

*Notice of motion for 18.03.2021.*

*At this stage, Mr.S.S.Aviraj, Advocate appears on behalf of respondent No.2.*

*Both the parties are directed to appear before the Illaqa Magistrate/trial Court on 18.01.2021 for recording their statements in the context of genuineness of the compromise. The Illaqa Magistrate/trial Court after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”*

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

*“I have the honour to submit that vide Order dated 11.01.2021 passed by Hon’ble Punjab & Haryana High court in CRM-M-1083 of 2021 the trial court/Illaqa Magistrate was directed to submit a report with regard to the genuineness of compromise on or before the date fixed i.e. 18.03.2021.*

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*In this regard, it is humbly submitted that on 18.01.2021, the statements of the parties have been recorded in compliance with order dated 11.01.2021 passed by Hon'ble High Court. The parties stated that they have compromised the matter in dispute. They stated that now there is no dispute between the parties. As per compromise, there is no dispute between the parties now. They prayed for quashing the above said FIR.*

*In view of the statement of the parties, it appears that the parties have compromised the matter in dispute voluntarily and without any coercion or undue influence and the compromise is genuine. The report is accordingly submitted for the kind perusal of his Lordship on the following points:*

- i) There are two accused namely Anant Kumar and Siya Ram involved in the present case.*
- ii) As per statement of I.O., no accused has been declared as proclaimed offender.*

*Sd/-*

*(Jitender Singh)  
Judicial Magistrate First Class,  
Rewari.  
28.01.2021”*

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 their own free will and without any coercion. The

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compromise has been found to be genuine and valid.

Learned counsel for the petitioners has submitted that none of the petitioners has been declared proclaimed offender in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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 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 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***

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*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.584 dated 18.09.2020, registered under Sections 435, 506 and 34 of IPC at Police Station Model Town, District Rewari (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**(VIKAS BAHL)**  
**JUDGE**

**December 14, 2021.**

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No