

**CRM-23507-2021 in/and
CRM-M-1827-2020**

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

(111)

CRM-23507-2021 in/and
CRM-M-1827-2020
Date of Decision:-17.08.2021.

Neeraj and others

.....Petitioners

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Gupta, Advocate for the
applicant/petitioner.

Mr. Praveen Bhadu, AAG, Haryana, for
respondent No.1.

Mr. Gaurav Singla, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-23507-2021

This is an application for preponing the date of hearing in the
main case in view of the fact that the matter has been compromised. The
case is stated to be listed for 01.09.2021.

Notice of the application.

Mr. Praveen Bhadu, learned Assistant Advocate General,

Punjab, accepts notice on behalf of respondent No.1-State. Mr. Gaurav Singla, Advocate, accepts notice on behalf of respondent No.2.

In view of the fact that the matter has been compromised, the application is allowed and the matter is preponed and taken up on Board today itself.

CRM-M-1827-2020

This is a petition under Section 482 Cr.P.C. for quashing FIR No.0049 dated 07.02.2017 under Sections 323/34/506 and Section 325 (added later on) of IPC, registered at Police Station Faridabad Kotwali, District Faridabad and all subsequent proceedings arising therefrom on the basis of the compromise/affidavit dated 26.02.2019 (Annexure P-2).

When the matter came up before a Co-ordinate Bench of this Court on 16.01.2020, the following order was passed:-

“This is a petition for quashing of FIR on the basis of compromise.

Notice of motion.

Sh.Gaurav Singla, Advocate has appeared on behalf of respondent No.2 and filed vakalatnama on his behalf. He accepts notice on behalf of respondent No.2 and states that the matter has been compromised between the parties.

It is stated that the challan has been filed in this case. Under the circumstances, the parties are directed to appear before learned trial Court within one month

from today and the trial Court is to record the statements of the affected persons i.e. complainant and accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The trial Court is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by the next date of hearing fixed as 31.3.2020.

The State counsel shall also get the genuineness of the compromise verified and inform the Court in that regard.”

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

“Subject:- Criminal Misc. No.M-1827 of 2020 titled Neeraj and others Vs. State of Haryana & another, pending before the Hon'ble High Court for 31.3.2020.

Respected Sir,

In reference to the above cited subject, I have the honour to submit that in pursuance to order dated 16.1.2020 passed by Hon'ble High Court, the statements of complaint Naresh Bhadana and accused persons namely Neeraj, Abhishek, Sumit Kumar, Harish, Vinod Kumar, Manish Kumar and Monu Sharma have been

recorded qua compromise effected between them.

The complainant Naresh Bhadana and the accused persons namely, Neeraj, Abhishek, Sumit, Harish, Vinod Kumar, Manish Kumar and Monu Sharma have made statements that they have settled their dispute amicably and entered into the compromise, without any force or pressure, out of their own free will. Both sides were duly identified by their respective counsel.

The undersigned has asked both parties whether they had entered into compromise out of their sweet will. The parties, on lines of their respective statements, stated at bar that by way of compromise they have put their dispute to rest and they had done so willingly. In view of the said categorical statements suffered on record, I am of the considered opinion that genuine and valid compromise has been entered into between the aforesaid parties voluntarily, without any coercion or undue influence. Further perusal of file shows that none of the accused have been declared proclaimed offenders at any state of trial.

Statement of Sh. Ankit Chaudhary, APP for State also recorded regarding genuineness and valid compromise between the parties.

Statements of the complainant, APP for State and

accused dated 13.12.2020 is enclosed along with the present report in compliance of order of Hon'ble High Court dated 16.01.2020.”

A perusal of the said report would show that the statement of all the concerned persons have been recorded who have stated that the said compromise is being entered into with their free will and without any coercion. The compromise has been found to be genuine and valid.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offenders in the present case. Learned counsel for the State has stated that this fact is correct.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two families.

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, thus, the possibility of conviction is remote and the continuation of the criminal case would only strain the relationship between the petitioner and the complainant.

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 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”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the

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criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.0049 dated 07.02.2017 under Sections 323/34/506 and Section 325 (added later on) of IPC, registered at Police Station Faridabad Kotwali, District Faridabad and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**(VIKAS BAHL)
JUDGE**

August 17, 2021.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.