

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6151 of 2021
Date of Decision : 27.05.2021

Aarti Saini and others

....Petitioners

Versus

State of Haryana and another

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Himanshu Aggarwal, Advocate for
Mr. Sunil K. Nehra, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. AG, Haryana.

Mr. Tara Dutt, Advocate for respondent No.2.

B.S. Walia, J.

1. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.324 dated 14.03.2020, registered under Sections 406/420/506 IPC and Section 10, Immigration Act, at Police Station Thanesar City, District Kurukshetra, along with all consequential proceedings emanating therefrom, on the basis of compromise / affidavit, Annexure P/2, dated 11.12.2020.

2. Learned counsel contends that the aforementioned FIR was lodged by complainant-respondent No.2 against the petitioners and one Vijay Kumar, but now with the intervention of respectable members of the society and due to the impending marriage of petitioner No.1, the matter had been amicably settled and complainant-respondent No.2 has given an affidavit, Annexure P/2, dated 11.12.2020 that he has no objection, if the FIR in question against the petitioners is cancelled / quashed.

3. Vide order dated 15.02.2021, parties were directed to put in appearance before the learned Ilqa Magistrate/Duty Magistrate, concerned on 01.03.2021 for recording of their statements in terms of compromise/affidavit (Annexure P/2) dated 11.12.2020. Pursuant to recording of statement of the parties, report has been submitted by the learned Chief Judicial Magistrate, Kurukshetra that the petitioners namely, Aarti Saini, Jagir Singh and Arvind Kumar, as well as complainant-Aman Kumar appeared along with their respective counsel, and made a statement that the dispute between the parties had been resolved amicably, voluntarily and without any coercion, pressure or undue influence, that the compromise was genuine and bona fide, that all the conditions of the compromise had been complied with and nothing was due to the complainant / respondent No. 2 and further that there was no cross-case pending between them in any Court, and that the complainant / respondent No. 2 had no objection if the FIR in question was quashed. Likewise, statement was made by the Investigating Officer SI Anil Kumar that as per the record, there were 04 accused, that apart from the petitioners, Vijay Kumar was the fourth accused, none of the accused had been declared as proclaimed offender and investigation in the case was still pending and challan had not been filed.

4. In the light of the statements of the parties, the learned Chief Judicial Magistrate, Kurukshetra, recorded that he was satisfied that the petitioners and complainant i.e. respondent No.2 had arrived at a compromise without any coercion, undue influence or pressure and the compromise, as arrived between them, was genuine and voluntary and the complainant-respondent No.2 had no objection in case the FIR in question was quashed.

5. Learned Counsel for the respondents have also supported the prayer for quashing of the aforementioned FIR and all consequential proceedings emanating therefrom in view of compromise/Affidavit (Annexure P/2) dated

11.12.2020, as well as decision of Hon'ble the Full Bench of this Court in '**Kulwinder Singh and others vs. State of Punjab and another**', 2007 (3) RCR (Criminal) 1052; besides of '**Ranjit Singh and others versus State of Punjab and others**', 2012(6) RCR (Criminal) 2515' and '**Ranjit Singh @ Kaka and another versus State of Punjab and another**' (i.e. CRM-M No.48981 of 2019). Relevant extract of the aforementioned decisions is reproduced as under:-

'Kulwinder Singh's case (supra)

"39. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice."

'Ranjit Singh's case (supra)

“6. While the proceedings were in progress, respectables of the village have intervened. The petitioners and the complainant in respective cases have, thus, arrived at compromise. They have now decided to live in peace and do not want to pursue the cases against each other. They have, accordingly, approached this Court for quashing the FIR as well as the cross case on the basis of this compromise. Parties would rely upon the judgment in the case of Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052, where it has been observed that the compromise in a modern society is the sine-qua-non of harmony and orderly behaviour and the power under Section 482 Criminal Procedure Code is to be used to enhance such a compromise, which, in turn, enhances the social amity and reduces friction, then it truly is finest hour of justice. No doubt, FIR in such like cases can always be quashed on the basis of compromise. This position of law is fully settled, but the question to be seen and realised is whether the parties can first fight and then waste the time of Court for considerable period and thereafter, realise the futility of fighting a litigation to reach a compromise. In this process, they waste the considerable time of the Court without any regard to the Court hours that are wasted on such a endless or futile litigation. The parties ought to have realised the same at the initial stage. It would have saved some valuable time of this Court as well as the trial Court. The parties must compensate for wasting the time of the Courts.

7. The present petitions are, accordingly, allowed. FIR No.83, dated 17.8.2009, registered under

Sections 323 /324/ 341/ 506/34 Indian Penal Code as well as the cross-version and all subsequent proceedings in both the cases are hereby quashed, but subject to payment of Rs. 10,000/- in each case as costs, to be deposited with the accounts of Mediation and Conciliation Centre of this Court. The present order shall be subject to deposit of the costs as directed. If the costs is not deposited within one month, then the State may make a move to seek revival of FIR and the cross case recorded by DDR.”

‘Ranjit Singh @ Kaka’s case (supra)

“8. Since the statements were recorded and the learned Magistrate is satisfied with the genuineness of the compromise, no useful purpose will be served in allowing the criminal proceedings to continue. Moreover, the learned counsel for the parties are ad idem that in view of the settlement of dispute between the parties, the present petition deserves to be accepted.

9. Accordingly, this petition is allowed. FIR No.38 dated 13.09.2019 (Annexure P-1) under Sections 406 and 420 of Indian Penal Code, 1860 Section 24 of Immigration Act, 1924 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar and all the consequent proceedings arising therefrom,, are quashed qua the petitioners.”

6. I have considered the submissions of learned counsel for the parties and gone over the record.

7. In view of the compromise / affidavit (Annexure P/2) dated 11.12.2020, statement of the parties before the learned Chief Judicial

Magistrate, Kurukreshtra, as well as report submitted by the learned Judicial Officer, the possibility of conviction of the petitioners in the case is remote and bleak, consequently, continuation of the criminal case against the accused/petitioners despite full and complete settlement between the parties would serve no purpose, therefore in order to secure the ends of justice, it would be appropriate to put the criminal case to an end. In view of the position as noted above, there is no impediment in the way of this Court in exercising its inherent powers under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings emanating therefrom qua the petitioners.

8. Accordingly, in the light of the position noted above, FIR No.324 dated 14.03.2020, registered under Sections 406, 420, 506 IPC and Section 10 of Immigration Act, at Police Station Thanesar City, District Kurukshetra, along with all consequential proceedings, emanating therefrom, are quashed *qua* the petitioners.

9. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

May 27, 2021

'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>