

CRM-M-35810-2021

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

(235)

CRM-M-35810-2021.  
Date of Decision:-15.11.2021.

Baldev Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

\*\*\*\*

Present: Mr. Rishi Pal Singh, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Vinod K. Kanwal, Advocate for respondent No.2.

(Through Video Conferencing)

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

This is the first petition under Section 482 of Cr.P.C. for quashing of case FIR No.419 dated 22.12.2015 under Sections 148, 149, 323, 341 and 506 of IPC, registered at Police Station Kurukshetra University, District Kurukshetra (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of the compromise dated 20.04.2021 (Annexure P-2).

On 03.09.2021, this Court was pleased to pass the following order:-

*“This is a petition filed under Section 482 Cr.P.C. for  
quashing of FIR No.419 dated 22.12.2015 (Annexure P-1)*

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*registered under Sections 148, 149, 323, 341 and 506 of the Indian Penal Code, 1860 at Police Station Kurukshetra University, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise dated 20.04.2021 (Annexure P-2).*

*Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise. He has submitted that although in the FIR, there is mention about 5-6 young boys but it is only the petitioner who has been charge-sheeted.*

*Notice of motion for 15.11.2021. On asking of the Court, Mr. Manish Dadwal, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Vinod K. Kanwal, Advocate appears on behalf of respondent No.2.*

*The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one month.*

*The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-*

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*

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*5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

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

*“In the abovementioned CRM-M-35810-2021 titled: Baldev Singh Vs. State of Haryana and Others, Hon’ble High Court was pleased to pass an order dated 03.09.2021 for recording the statement of the parties with regard to compromise among them. In compliance of abovesaid order, the parties had come present on 22.09.2021 and their statements were recorded on oath in presence of their counsels and on their identification of the parties. As per the statements, the parties have settled their dispute. I am of the considered opinion that the settlement is genuine, voluntarily and is without coercion and undue influence. The status report in the present FIR was called from the Investigating Officer concerned. As per the report and after perusing the statements, the information desired is as under:*

- 1. Number of persons arrayed as accused (**Present accused Baldev Singh**).*
- 2. Whether any accused is proclaimed offender (**No**).*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence (**Yes**)*

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4. *Whether the accused persons are involved in any other case or not. (No)*

5. *The trial court is also directed to record the statements of the Investigating Officer as to how many victims/complainants are there in the FIR. (As per the report of I.O., there is one complainant who is victim).*

*The statements alongwith order dated 22.09.2021 and 24.09.2021 are hereby sent to the Hon'ble High Court. Report is hereby submitted please.*

*(Monika Khanagwal),  
Judicial Magistrate First Class,  
Kurukshetra (UID No.HR0438)."*

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 compromise has been found to be genuine and valid. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending between the parties.

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

Learned counsel for respondent No.2 has again reiterated that

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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 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 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*

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*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.419 dated 22.12.2015 under Sections 148, 149, 323, 341 and 506 of IPC, registered at Police Station Kurukshetra University, District Kurukshetra (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

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

**November 15, 2021.**

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No