

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-28399-2021

Date of decision : 15.11.2021

Harvinder Singh and others

... Petitioners

Versus

State of Haryana and another

... Respondents

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

Present: Mr.Jagtej Singh, Advocate for  
Mr.Kawalpreet Singh Virk, Advocate  
for the petitioners.

Mr.Manish Dadwal, AAG, Haryana.

None for respondent no.2-complainant.

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

This is a petition under Section 482 Cr.P.C. praying for quashing of case FIR No.193 dated 08.05.2016 (Annexure P-1) registered under Sections 323, 324, 341, 285, 336, 506, 34 IPC and Section 25 Arms Act, 1959 at Police Station Safidon, District Jind and all other consequential proceedings arising therefrom on the basis of compromise deed dated 07.07.2021 (Annexure P-2).

On on 24.08.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

**“CRM-26140-2021**

*This is an application for placing on record the copies of the orders dated 27.05.2021 passed by Additional Sessions Judge, Jind, as Annexures P-4 to P-7, order dated 13.07.2021 passed by learned Civil Judge (Junior Division), Safidon, as Annexures P-8 and FSL*

*report as Annexure P-9.*

*Learned counsel for the petitioners submits that the investigating agency had recovered two licensed guns from petitioner No.2.*

*In view of the above, the present application is allowed as prayed for.*

*Annexures P-4 to P-9 are taken on record.*

*CRM-M-28399-2021*

*Through this petition, the petitioners seek quashing of FIR No.193 dated 08.05.2016 (Annexure P-1) registered under Sections 323, 324, 341, 285, 336, 506, 34 IPC and Section 25 of the Arms Act at Police Station Safidon, District Jind, along with all consequential proceedings arising therefrom, on the basis of compromise dated 07.07.2021 (Annexure P-2).*

*Learned counsel for the petitioners states that with the intervention of respectables, the compromise has been effected between them*

*Notice of motion.*

*Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana, accepts notice on behalf of respondent No.1-State.*

*Mr. Yashjot Singh Dhaliwal, Advocate, appears for respondent No.2 and has not disputed the factum of the compromise effected between the parties.*

*In view of the above, the parties are directed to appear before the Illaqa Magistrate/trial Court on 09.09.2021 or any other date convenient to the Court concerned for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-*

*1 The number of accused arraigned in the FIR and how*

*many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;  
2 the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*

*3. the stage of trial/proceedings;*

*4. If the compromise is genuine, voluntary and out of free will of the parties;*

*Report of the Illaqa Magistrate/trial Court be awaited for 15.11.2021.”*

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Safidon. The relevant portion of the said report is reproduced hereinbelow:-

*“5. As directed by Hon'ble Court vide its order dated 24.08.2021, the desired report with all the specific detail is mentioned as follows:-*

**Regarding point (i)** *It is humbly submitted that three persons namely Nirvail Singh, Gurpej @ Sahab Singh and Harvinder Singh have been arraigned as accused in present FIR and all of three have already appeared before the Court and made a statement regarding their compromise with complainant Ravinder. It is further humbly submitted that no accused is absconding or P.O. in present FIR.*

**Regarding point (ii)** *It is humbly submitted that there is only one complainant / aggrieved, whose name is Ravinder and he has also made a statement regarding his compromise with accused persons.*

**Regarding point (iii)** *It is humbly submitted that the trial is at the stage of prosecution evidence.*

**Regarding point (iv)** *Further, it is humbly submitted that I have also personally satisfied myself that the complainant Ravinder has arrived at a compromise with*

*accused persons namely Nirvail Singh, Gurpej @ Sahab Singh and Harvinder Singh, without any coercion, undue influence or pressure and the complainant has no objection in case the present FIR against the accused persons namely Nirvail Singh, Gurpej @ Sahab Singh and Harvinder Singh, is ordered to be quashed by Hon'ble High Court.*

6. *The requisite report is being submitted as desired, please.”*

A perusal of the above said report would show that the compromise in the present case has been effected without any coercion, undue influence or pressure.

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 has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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 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.193 dated 08.05.2016 (Annexure P-1) registered under Sections 323, 324, 341, 285, 336, 506, 34 IPC and Section 25 Arms Act, 1959 at Police Station Safidon, District Jind and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)  
JUDGE

**November 15, 2021**

*Davinder Kumar*

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No