

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

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**CRM-M-32860-2021
Decided on : 27.10.2021**

Ajay Gupta and another

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Kanwaljeet Singh, Advocate
for the petitioners.

Mr. G. S. Dhillon, AAG, Haryana.

Ms. Anu Bala Garg, Advocate
for the respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 272 dated 10.10.2018 registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Rohtak Civil Lines, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 10.07.2021 (Annexure P-2).

When the matter came up before this Court on 16.08.2021, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.0272 dated 10.10.2018 under Sections 120-B, 420, 467, 468 and 471 of IPC registered at Police Station Rohtak Civil Lines, District Rohtak (Annexure P-1) and subsequent proceedings arising from the same on the basis of

compromise dated 10.07.2021 (Annexure P-2) effected between the petitioners and respondent No.2.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 27.10.2021.

On asking of the Court, Mr. Praveen Bhadu, Asstt. Advocate General, Haryana appears and accepts notice on behalf of the respondent-State and Ms. Anu Bala Garg, 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 30 days.

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?*
- 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, a report has been submitted by the Chief Judicial Magistrate, Rohtak to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“As per the statement of Investigating Officer namely ASI Amir Kumar, there are only two accused namely Vidya Devi and Ajay Gupta in the present FIR; no accused is P. O. in

this FIR; there is only one victim/complainant in the present FIR. Accused persons are not involved in any other FIR as stated by the accused persons in their statements.

The compromise effected between the parties seems to be genuine, voluntarily and without any coercion or undue influence.

Accordingly, the report stands submitted. The statement of parties, statement of Investigating Officer in original and copy of zimni order dated 06.09.2021 are annexed herewith for your kind information and necessary action.

Submitted please. ”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were 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-complainant 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 parties.

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”

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the 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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 272 dated 10.10.2018 registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Rohtak Civil Lines, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 10.07.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

27th October, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No