

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34198-2021
Date of decision : 02.11.2021

Jyoti Pandey

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Puneet Kakkar, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Nishad Ahuja, Advocate for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is petition filed under Section 482 Cr.P.C. for quashing of FIR No.265 dated 5.5.2019, registered under Sections 381 and 411 of IPC at Police Station Sector Surajkund, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 28.7.2021 (Annexure P-2).

On 23.08.2021, a Coordinate Bench of this Court had passed the following order:-

“The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 265, dated 5.5.2019 under Sections 381 and 411 IPC, registered at Police Station Sector Surajkund, District Faridabad and all other subsequent proceedings

arising therefrom on the basis of compromise dated 28.07.2021.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana and Mr. Nishad Ahuja, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 14th September, 2021. The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender;*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 5th October, 2021.”

In pursuance to the said order, a report has been submitted by the Chief Judicial Magistrate, Faridabad to the Registrar General of this Court. As per the report, the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. The relevant part of the report is reproduced hereinbelow:-

“Report regarding involvement of accused Jyoti Pandey also called from the SHO concerned, wherein it is reported that except the present case, accused is not involved in any other case in Police Station Surajkund. File further reveals that there is no accused proclaimed

offender in this case. So, the pointwise reply, as sought by Hon'ble High Court, is as under:

- i compromise is genuine and voluntary.*
- ii There is only one accused Jyoti Pandey in this case, who is on bail.*
- iii As per the affidavit filed by accused and report received from I.O. SI Ram Kishan, no other proceedings is pending against Jyoti Pandey, except the present case.*

Copies of zimni orders as well as original statements of parties, affidavit of accused and report/statement of IO/SI Ram Kishan are enclosed herewith for kind perusal of the Hon'ble High Court.

The requisite report is submitted herewith for information and necessary action.

Thanking you,

*Yours faithfully,
Sd/-
(Sandeep Chauhan)
Chief Judicial Magistrate,
Faridabad (UID HR0271) ”*

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

Learned counsel for respondent No.2 has also appeared and 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 parties. He prayed that FIR and subsequent proceedings may 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”

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 petitioner 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, this petition is allowed and FIR No.265 dated 5.5.2019, registered under Sections 381 and 411 of IPC at Police Station Sector Surajkund, District Faridabad (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

November 02, 2021

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Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No