

CRM-M-33577-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(236)

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Date of Decision:-15.12.2021.

Raman Mehla and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishwajeet, Advocate for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Naveen Kashyap, Advocate for respondent No.2.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.257 dated 17.06.2020, registered under Sections 148/149/323/324/506 of IPC at Police Station Sector 32-33 Karnal, District Karnal (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 21.07.2021 (Annexure P-2).

On 18.08.2021, 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. 257 dated 17.06.2020 under Sections 148, 149, 323, 324 and 506 of IPC registered at Police Station Sectors 32-33 Karnal, District Karnal and subsequent

proceedings arising from the same on the basis of compromise dated 21.07.2021 (Annexure P-2) effected between the parties.

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

Notice of motion for 27.10.2021.

On asking of the Court, Mr. Parveen Bhadu, Asstt. Advocate General, Haryana appears and accepts notice on behalf of the respondent-State. Mr. Naveen Kashyap, Advocate appears and accepts notice on behalf of respondent No. 2 and filed his power of attorney. Same is taken on record.

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?*
- 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

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by the Additional Chief Judicial Magistrate, Karnal to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“5. On the basis of the statements of the parties, undersigned is of the view that the parties have entered into a compromise and the compromise in question is found to be a valid compromise and has been effected between the parties without there being any kind of influence and coercion.

6. On the basis of statements of the parties, and statement of Investigating Officer, report of the undersigned on the required points is as follows:-

i) As per statement of IO, there were sever persons arrayed as accused in this case namely Raman Mehla, Sagar Kamboj, Shilu, Vishal, Ritesh, Sahil & Kabir. Out of them Kabir was before Juvenile Justice Board, for 1.9.2021.

ii) As per statement of IO, none of the accused has been declared as proclaimed offender.

iii) As per statement of IO, petitioners are not involved in any other FIR.

iv) As per statement of IO, there is only one victim in this case namely Sahil son of Anil Kumar. Meaning thereby, there is no other complainant or affected/aggrieved party other than the respondents, arrayed in the petition before the Hon'ble High Court &

Above reort submitted please,

Yours faithfully

Sd/-

(Harish Goyal)''

Along with the statement of the accused, statement of Sahil, son of Anil Kumar who is the complainant/respondent No.2 in this case has also been recorded and the said respondent No.2 has specifically stated that the matter has been compromised without any coercion and undue influence. In the report, it has been found that the compromise is genuine, voluntary and bona fide.

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 offender 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 Nos.2 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.

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

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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.257 dated 17.06.2020, registered under Sections 148/149/323/324/506 of IPC at Police Station Sector 32-33 Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 15, 2021.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No