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

CRM-M-33852-2021

Date of decision : 09.11.2021

Arvinder

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhupender Singh, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Praveen Sharma, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.368 dated 19.05.2017 registered under Sections 120-B, 406, 420 of the Indian Penal Code, 1860 (Section 120-B of IPC has been deleted later on) at Police Station Civil Lines, Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise in the shape of affidavit of complainant dated 06.08.2021 (Annexure P-2).

On 20.08.2021, this Court had passed the following order:-

*“This is a petition filed under Section 482 Cr.P.C.
for quashing of FIR No.368 dated 19.05.2017 registered*

under Sections 120-B, 406, 420 of the Indian Penal Code, 1860 (Section 120-B of IPC has been deleted later on) at Police Station Civil Lines, Karnal, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise in the shape of affidavit of complainant dated 06.08.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that all the persons concerned have compromised the matter.

Notice of motion for 09.11.2021.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and Mr. Parveen Sharma, 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 15 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 Judicial Magistrate Ist Class, Karnal. The relevant portion of the said report is reproduced hereinbelow:-

“4. After careful perusal of the statement given on solemn affirmation by the complainant as well as accused vis-a-vis compromise concerning the present case and after careful analysis of the same, this Court is convinced that the compromise between the parties in question is appears to have been entered into voluntarily without any pressure or inducement and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure, or coercion. Therefore, the above report is forwarded for your kind perusal, please.

Sd/- (Anil Kumar Yadav)

JMIC, Karnal

UID No.-HR-0415”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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 petitioner has submitted that the petitioner was 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

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 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, the petition is allowed and FIR No.368 dated 19.05.2017 registered under Sections 120-B, 406, 420 of the Indian Penal Code, 1860 (Section 120-B of IPC has been deleted later on) at Police Station Civil Lines, Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise in the shape of affidavit of complainant dated 06.08.2021 (Annexure P-2), are ordered to be quashed, qua the petitioner.

09.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No