

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

227

**CRM-M-35702-2021
Decided on : 01.11.2021**

Mandeep Singh and another

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Ashish Grewal, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 127 dated 26.05.2021 registered under Sections 148, 149, 323, 324, 427 and 506 of the Indian Penal Code, 1860 (Section 326 of IPC added later on) registered at Police Station Chhachhrauli, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 02.06.2021 (Annexure P-2).

When the matter came up before this Court on 01.09.2021, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 127 dated 26.05.2021 registered under Sections 148, 149, 323, 324, 427 and 506 of the Indian Penal Code (Section 326 of IPC added later on) at Police Station City Chhachhrauli, District Yamuna Nagar (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated 02.06.2021 (Annexure P-2).”

Learned counsel for the petitioners has submitted that although there are stated to be 5 other boys in the FIR but since their names are not known, thus, they possibly cannot be joined in the present petition.

Notice of motion for 01.11.2021.

On asking of the Court, Mr. Manish Dadwal, Additional Advocate General, Haryana appears and accepts notice on behalf of the respondent-State. Mr. Ravi Malik, Advocate appears on behalf of respondent Nos. 2 to 4 and submitted that he has no objection in case the entire FIR is quashed. It is also stated that 5 other boys so stated in the FIR are not known and cannot be found.

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 1st Class, Sub Division, Bilaspur to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“After considering the oral submissions and statements made by the parties, I am satisfied that the compromise between the parties has been effected with their free volition and it is not a result of any undue influence or coercion. All the affected parties have entered into compromise and appeared before this Court for recording their statements.

It is further submitted for the kind information of the Hon'ble High Court that as per statement of I.O., in the present FIR there are two accused namely Mandeep Singh and Vishal and except above said accused, there is no other accused. Similarly, in the present FIR there is one complainant namely Satish Kumar and two injured namely Puran Nath and Nakul and except them, there is no other complainant or injured/aggrieved party. As per statement of I.O. in this case no accused has been declared as proclaimed offender. As per statement of I.O. except the present case one another case bearing FIR No. 231 dated 30.09.2016 under Section 315 IPC & Section 4,5 of MTP Act, P.S. Naraingarh is registered against accused Mandeep Singh. Similarly, except the present case one another case bearing FIR No. 538 dated 24.08.2020 under Section 61 (i) (a)4-2020 of Excise Act, P.S. City Yamuna Nagar is registered against accused Vishal.

The statements of the accused persons, complainant, injured and Investigating Officer have been recorded. The statements of the parties and the Investigating Officer (in original) are enclosed herewith for kind consideration, please.

Thanking you,”

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. It is furthermore stated that the petitioners No. 1 and 2 are involved in one more case each. However, the fact that the petitioners are involved in one more case each other than the present FIR, would not come in the way of quashing of the present petition on the basis of compromise.

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.

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. 127 dated 26.05.2021 registered under Sections 148, 149, 323, 324, 427 and 506 of the Indian Penal Code, 1860 (Section 326 of IPC added later on) registered at Police Station Chhachhrauli, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 02.06.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

1st November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No