

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37383-2021(O&M)
Date of decision : 26.11.2021

Charan Yadav and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Varun Singh Dhanda, Advocate
for the petitioners.

Mr.Manish Dadwal, AAG, Haryana.

Mr.Yashvir Kharab, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.498 dated 06.11.2019 registered under Sections 34, 323, 506 IPC at Police Station Badshahpur, District Gurugram and all other consequential proceedings arising therefrom, on the basis of compromise in the shape of affidavit dated 14.11.2019 (Annexure P-2).

On 25.10.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Case taken up through video conferencing.

The petitioners are seeking quashing of FIR No.498 dated 06.11.2019 under Sections 34, 323 and 506 IPC, registered at Police Station Badshahpur, District Gurugram on the basis of compromise/affidavit (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioners contends that

the FIR was lodged due to misunderstanding, which has now been resolved and the matter has been compromised.

Mr. Yashvir Kharb, Advocate has put in appearance on behalf of the complainant/respondent No.2 and states that the matter has indeed been compromised.

List on 26.11.2021.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 10.11.2021. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Gurugram. The relevant portion of the said report is reproduced hereinbelow:-

“3. Today, Complainant Amit Kumar and Accused persons Sumit Yadav Preetam Yadav and Charan Singh have appeared for getting recorded their statements before this court. They have stated about their settlement / compromise and affirmed having no grievance against each other and have prayed for quashing of aforementioned FIR. with their free will and volition and without any pressure.

4. It is submitted that I am satisfied that the matter has been settled between Complainant Amit Kumar and Accused persons Sumit Yadav. Preetam Yadav and Charan Singh amicably/voluntarily, without any pressure or coercion and the compromise appears genuine on the face of record. Also, there is no Proclaimed Offender/Person in this case.

5. *Hence, in compliance of Orders of Hon'ble High Court, statement of parties have been duly recorded by this court and is being submitted.*

Submitted please.”

A perusal of the above said report would show that the compromise in the present case has been found to be genuine, voluntarily and out of free will of the parties.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and were not declared proclaimed person / offender in the present case.

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 parties. He prayed that FIR and subsequent proceedings may be quashed.

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

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

where the High Court is of the opinion that the same is 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”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.498 dated 06.11.2019 registered under Sections 34, 323, 506 IPC at Police Station Badshahpur, District Gurugram and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Since the main case has been decided, pending miscellaneous

applications are rendered infructuous and are disposed of as such.

(VIKAS BAHL)
JUDGE

November 26, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No