

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37711-2021

Date of decision : 10.12.2021

Prince @ Dilar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Pardeep Panwar, Advocate
for the petitioner.

Ms.Ambika Sood, Addl.A.G. Haryana.

Ms.Naveen Dayal, Advocate for
Mr.B.S.Bajwa, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.165 dated 12.07.2021 registered under Sections 354, 452, 506 IPC at Police Station Ismailabad, District Kurukshetra and all other consequential proceedings arising therefrom, on the basis of compromise dated 26.08.2021 (Annexure P-2).

On 13.09.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.165 dated 12.07.2021 under Sections 354, 452,506 IPC registered at Police Station Ismailabad, District Kurukshetra and all subsequent proceedings arising therefrom in view of the compromise arrived at between

the parties.

Notice of motion.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, appearing through the medium of video conferencing accepts notice on behalf of respondent-State. Mr. B .S .Bajwa, Advocate, accepts notice on behalf of respondents No.2. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Now, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 13.10.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on 12.11.2021.

A copy of this order be sent to learned trial Court/Illaq Magistrate through email for compliance.”

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

“ The statement of WHC Menka No. 1 127/KKR I.O of the case is also recorded. The information as sought by the Hon'ble High Court vide order dated 13.09.2021 is, as under:

(1). It is clear from perusal of the statements of the parties that they have amicably settled the matter after arriving at a compromise and settlement. The compromise seems to be genuine and voluntary and out of free will.

(ii) As per the statement of IO, accused has not been declared proclaimed offender at any stage of trial or

investigation .”

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

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and was not declared proclaimed person / offender in the present case. The said facts have been reaffirmed by the learned counsel for the State.

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 has, thus, 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 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.

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 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.165 dated 12.07.2021 registered under Sections 354, 452, 506 IPC at Police Station Ismailabad, District Kurukshetra and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

December 10, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No