

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

243

**CRM-M-39817-2021
Decided on : 15.12.2021**

Vikas Sinder and others

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vishal Goel, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Parveen Sharma, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 571 dated 22.08.2021 registered under Sections 148, 149, 323, 324, 341 and 506 of the Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise in the shape of affidavit of respondent No. 2 dated 16.09.2021 (Annexure P-3).

When the matter came up before this Court on 26.11.2021, the following order was passed:-

“CRM-39247-2021

This is an application filed under Section 482 of Cr.P.C. seeking permission to implead effected persons as respondents in the array of parties as respondent Nos.3 and 4.

Notice in the application.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the non-applicant/State and Mr. Parveen Sharma, Advocate appears on behalf of non-applicant-respondent No.2.

Learned counsel for the parties are ad idem that respondent Nos.3 and 4 are also necessary parties inasmuch as they are also the persons who are victims in the FIR.

In view of the abovesaid facts, the present application is allowed and Anita, wife of Bajinder and Bimla, wife of Asha Ram, are ordered to be impleaded as respondent Nos.3 and 4, respectively, in the present case.

Amended memo of parties is taken on record.

Registry is directed to put the said amended memo of parties at appropriate place in the paper book.

CRM-39240-2021

This is an application filed under Section 482 of Cr.P.C. for placing on record the Compromise dated 02.11.2021 as Annexure P-5.

For the reasons stated in the application, the same is allowed.

Compromise dated 02.11.2021 (Annexure P-5) is taken on record, subject to all just exceptions.

CRM-39245-2021

This is an application filed under Section 482 of Cr.P.C. for extension of time to record the statements of the parties before the trial Court.

Notice in the application.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the non-applicant/State and Mr. Parveen Sharma, Advocate accepts notice on behalf of non-applicant-respondent Nos.2 to 4.

Learned counsel for the applicant/petitioners and respondent Nos.2 to 4 have submitted that on account of the fact that all the persons were not made the party, thus, the

parties could not get their statements recorded. They have jointly prayed that one more opportunity be granted to the parties in order to get their statements recorded before the trial Court.

In view of the same, one more opportunity is granted to the parties to get their statements recorded before the concerned Illaqa Magistrate/trial Court within 10 days from today and the Illaqa Magistrate/trial Court is directed to submit a report on or before the date already fixed in the main case i.e. 15.12.2021, 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 Sub Divisional Judicial Magistrate, Assandh to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance of order dated 24.09.2021 passed by the Hon'ble High Court, the report of SHO P.S. Assandh was also called directing him to inform the number of accused in the present case, whether any accused has been declared a proclaimed offender, whether the accused persons are involved in any other FIR and the number of victims/complainants in the FIR.

Consequent upon the issuance of notice, the detailed report was filed in the Court on behalf of SHO, P.S. Assandh

wherein it was informed that there are only five accused, namely, Vikas, Pawan, Kamla, Sultan and Chander in the present case, that no accused has been declared a proclaimed offender, no complaint/case is pending against the accused and that there are five victims/complainant, namely, Suman, Joginder, Anita, Bimla, Bajinder in the present case.

Submitted please.”

Alongwith the said report, the statements of the complainant as well as accused persons have also been submitted. Joint statement of the complainant/aggrieved persons is reproduced hereinbelow:-

“Statement of complainant, aggrieved persons:

1. Suman Devi W/o Joginder Singh age 31, R/o Village Jai Singhpura, Tehsil Assandh, District Karnal.

(Complainant)

2. Joginder Singh S/o Asha Ram, age 37, R/o Village Jai Singhpura, Tehsil Assandh, District Karnal.

3. Bajinder Singh, S/o Asha Ram, Age 36, R/o Village Jai Singhpura, Tehsil Assandh, District Karnal.

4. Asha Ram S/o Dharam Singh, age 63, R/o Village Jai Singhpura, Tehsil Assandh, District Karnal.

5. Bimla W/o Asha Ram Age 60, R/o Village Jai Singhpura, Tehsil Assandh, District Karnal.

6. Anita W/o Bajinder Singh, Age 35, R/o Village Jai Singhpura, Tehsil Assandh, District Karnal.

On/SA

(Aggrieved Persons)

(with Sh. Balvinder Singh, Advocate)

It is submitted that a dispute arose between complainant, aggrieved persons and accused persons. Now, a compromise has been entered into between complainant, aggrieved persons and accused persons due to intervention of respectable persons of the society. It is stated that as per compromise both the parties are fully satisfied. The compromise has been entered

into between the parties without any pressure, coercion and out of their free will. The compromise is genuine, voluntary and has been entered into without any undue influence. It is requested that the present FIR No. 571/2021 under Sections: 148/149/323/341/506 of IPC P.S. Assandh be quashed.”

A perusal of the said report as well as joint statement would show that it has been stated by the complainant as well as accused persons 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 petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case. Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent Nos. 2 to 4 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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.

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, the petition is allowed and FIR No. 571 dated 22.08.2021 registered under Sections 148, 149, 323, 324, 341 and 506 of the Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal (Annexure P-1) and all

subsequent proceedings arising therefrom on the basis of the compromise in the shape of affidavit of respondent No. 2 dated 16.09.2021 (Annexure P-3), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 15th, 2021
Mehak

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