

CRM-M-42326-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-42326-2021.

Date of Decision:-20.12.2021.

Mandeep Juneja and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shiv Kumar Rana, Advocate for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

None for respondent No.2.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.313 dated 03.05.2021, registered under Sections 188, 323, 34 and 506 of IPC and Section 51 of the Disaster Management Act, 2005 at Police Station Suraj Kund, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 06.08.2021 (Annexure P-2).

On 13.10.2021, this Court was pleased to pass the following order:-

“At the outset, learned counsel for the petitioners has submitted that on account of inadvertent error, instead of mentioning of Section 323, Section 232 has been mentioned in

the head note, body of the petition and in the prayer clause as well.

Learned counsel for the petitioners has made an oral request that Section 232 appearing in the head note, body of the petition and in the prayer clause be read as Section 323.

Keeping in view the request made by learned counsel for the petitioners and since it is apparently an inadvertent mistake, Section 232 as mentioned in the head note, body of the petition and in the prayer clause, be read as Section 323.

Registry is directed to do the needful.

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.313 dated 03.05.2021 registered under Sections 188, 323, 34, 506 of the Indian Penal Code, 1860 at Police Station Suraj Kand, District Faridabad (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise deed dated 06.08.2021 (Annexure P-2). Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 20.12.2021.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and Mr. Abhinav Singh, 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 one month.

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, the report has been submitted by the Chief Judicial Magistrate, Faridabad, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“So, the pointwise reply, as sought by Hon’ble High Court is as under:-

- 1. Four persons arrayed as accused in this FIR.*
- 2. No one from the accused is proclaimed offender.*
- 3. Compromise is genuine and voluntary and without any coercion or undue influence.*
- 4. Accused persons are not involved in any other FIR.*
- 5. In this FIR only one is victim/complainant named Rahul.*

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Copies of zimini orders as well as original statements of parties and report/statement of IO/HC Karan Singh are enclosed herewith for kind perusal of the Hon'ble High Court.

The requisite report is submitted herewith for information and necessary action.

Thanking you.

Yours faithfully

Sd/-

*Encl.:
as above.*

*(Sandeep Chauhan)
(Chief Judicial Magistrate,
Faridabad. (UID HR0271))*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending against the petitioners.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the learned trial

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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 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

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*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.313 dated 03.05.2021, registered under Sections 188, 323, 34 and 506 of IPC and Section 51 of the Disaster Management Act, 2005 at Police Station Suraj Kund, District Faridabad (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 20, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No