

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43191-2021(O&M)
Date of decision : 24.11.2021

Charanjit Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Saurabh Sharma, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Sagar Aggarwal, Advocate
for respondents no.2 to 7 (complainant-injured).

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.121 dated 13.06.2021 registered under Sections 148, 149, 323, 324, 506 IPC at Police Station Ismailabad, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise dated 30.09.2021 (Annexure P-2).

On 13.10.2021, this Court had passed the following order:-

“ This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.121 dated 13.06.2021, under Sections 148, 149, 323, 324, 506 of IPC, registered at Police Station Ismailabad, District Kurukshetra, on the basis of compromise dated 30.09.2021 (Annexure P-2).

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 24.11.2021.

On advance notice, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of the respondent-State.

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

“The information as sought by the Hon'ble High Court vide order dated 13.10.2021 is, as under:

- (i) In the present case there are three accused persons namely Charanjeet Singh, Abhishek and Amit Kumar.*
- (ii) As per the statement of IO, accused have not been declared proclaimed offender at any stage of trial or investigation.*
- (iii) 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.*
- (iv) As per report of I.O, no other case is registered*

against the accused persons.

(v) In the present FIR there are five victims/ complainants namely Gurtej Singh, Gurcharan Singh, Karnail Singh, Amarjeet Singh, Mastan Singh and (witness) Gurmeet Singh.

The statements of the parties are being sent with the present report for your kind perusal.

Submitted please.”

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

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

Learned counsel for respondent nos.2 to 7-complainant/injured 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.

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 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”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.121 dated 13.06.2021 registered under Sections 148, 149, 323, 324, 506 IPC at Police Station Ismailabad, District Kurukshetra

and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 24, 2021
Davinder Kumar

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