

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

246

**CRM-M-44129-2021
Decided on : 15.12.2021**

Shubham Singh and another

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. A. S. Nirmaan, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Amandeep S. Rehal, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 5 dated 22.02.2021 registered under Sections 34, 406 and 420 of the Indian Penal Code, 1860 registered at Police Station Cyber Police Station South Rewari, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 10.10.2021 (Annexure P-2) and affidavit dated 10.10.2021 (Annexure P-3)

When the matter came up before this Court on 25.10.2021, the following order was passed:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.5 dated 22.02.2021 (Annexure P-1) registered under Sections 34/406/420 IPC at Police Station Cyber Police Station South Range, Rewari, Haryana and all other consequential proceedings arising therefrom on the basis of compromise deed dated 10.10.2021 (Annexure P2) and affidavit dated 10.10.2021 (Annexure P-3).

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

Notice of motion.

On the asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, accepts notice on behalf of respondent no.1. Mr.Mohan Singh Chauhan, 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 fifteen 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 of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Rewari to the Assistant Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Copy of the statement of the parties and compromise Ex.C1 are attached herewith for your kind perusal. It is further submitted that as per report received from investigating officer in the present case there are only two accused namely Shubham and Ram Kumar. None of the accused has been proclaimed offender. Compromise is genuine, voluntarily and executed

without any coercion etc. As per record Police Station Cyber Crime Rewari except FIR No. 5 dated 22.02.2021 (present FIR) any other FIR has not been registered against the accused persons. IO Investigating Officer vide his separately recorded statement stated that in the present case there is only one complainant/victim namely Diragah Pal Singh.

This is for your kind information and necessary action please.

Thanking You.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated 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 No. 2-complainant 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. 5 dated 22.02.2021 registered under Sections 34,

406 and 420 of the Indian Penal Code, 1860 registered at Police Station Cyber Police Station South Rewari, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise deed dated 10.10.2021 (Annexure P-2) and affidavit dated 10.10.2021 (Annexure P-3), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 15th, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No