

CRM-44105-2021 in/and
CRM-M-47557-2021

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

(123+252)

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Date of Decision:-21.12.2021.

Anuj Pawa and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raman Goklaney, Advocate for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Rahul Arora, Advocate for respondent No.2.

VIKAS BAHL, J. (Oral)

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Application is allowed as prayed for, subject to all just exceptions.

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This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.71 dated 17.06.2021, registered under Sections 323, 498-A and 506 of IPC (Section 406 of IPC added subsequently), at Police Station Women Police Station, Sector 5, Panchkula (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 29.10.2021 (Annexure P-4).

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On 12.11.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer in the instant petition is for quashing of FIR No.71 dated 17.06.2021 under Sections 323, 498-A and 506 IPC (Section 406 IPC added lateron) registered at Women Police Station Sector 5, Panchkula, along with all consequential proceedings arising therefrom on the basis of compromise dated 29.10.2021.

Learned counsel for the petitioners at the outset has drawn the attention of this Court to Annexure P-4 which is a copy of settlement dated 29.10.2021 arrived at between the parties before the Mediation and Conciliation Center of this Court. Learned counsel has submitted that in the wake of the compromise arrived at between the parties (Annexure P-4), the FIR in question may be quashed.

Notice of motion.

At this stage, Mr. Rahul Arora, Advocate, has put in an appearance on behalf of the complainant/respondent No.2 and has filed his power of attorney which is taken on record. He does not dispute the factum of compromise having been arrived at between the parties and has also apprised the Court that a petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by the parties and they would be getting their first motion statements recorded on 22.11.2021 before the Court concerned.

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In view of the above, parties are directed to appear before the Illaqa Magistrate/trial court on 22.11.2021 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

Adjourned to 21.12.2021.”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate Ist Class, Panchkula to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

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“I have questioned the parties and they have stated that they made statements that they have compromised the matter with complainant as per compromise/settlement dated 29.10.2021 and the above said compromise has been effected without any pressure, fear and with mutual consent.

In light of the on oath statements of the parties and personal hearing given to them by the Court, undersigned is of the opinion that:-

- i. Complainant and all the accused arrayed in the FIR have appeared and made their respective statements in support of the compromise so effected between them.*
- ii. As per record, no PO proceeding is pending against any of the accused in this case.*
- iii. Regarding the stage of trial/proceeding, it is submitted that only FIR has been received in the Court till date.*
- iv. Compromise so arrived at between the parties is genuine, voluntarily and out of their free will.*

Accordingly, report of compromise is being forwarded to the Hon’ble Punjab & Haryana High Court alongwith copies on oath statements of parties and other accompanying documents for necessary action please.

Sd/-

*(Iram Hasan)
Judicial Magistrate Ist Class,
Panchkula. UID No.HR0348*

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22.11.2021.”

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.

Learned counsel for respondent Nos.2 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.

Learned counsel for the petitioners and respondent No.2 have submitted that as per the compromise amount of Rs.50 lacs was to be deposited and the said condition is also being fulfilled inasmuch as the said amount has also been deposited and for the same, relevant documents have also been placed on record by filing CRM-44105-2021.

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 is of the opinion 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

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*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.71 dated 17.06.2021, registered under Sections 323, 498-A and 506 of IPC (Section 406 of IPC added subsequently), at Police Station Women Police Station, Sector 5, Panchkula (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 21, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No