

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-337-2019

Date of decision : 01.06.2022

Sukhdeep Singh @ Sukha @ Sukhdeep and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Shaweta Sanghi, Advocate
for the petitioners.

Mr.Munish Sharma, AAG, Haryana.

Mr.Ashwani Bhardwaj, Advocate
for respondents no.2 to 4.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no. 24 dated 27.02.2014 registered under Sections 323, 341, 452, 506, 34, 325 IPC at Police Station Baragudha, District Sirsa and all other consequential proceedings arising therefrom on the basis of compromise.

On 09.01.2019, a coordinate Bench of this Court was pleased to pass the following order:-

“Contends that the matter has been compromised between the parties.

Notice of motion.

Ms. Radhika Sharma, Advocate appears on behalf of respondents no.2 to 4 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr. Yashwinder Singh, DAG,

Haryana accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondents No.2 to 4 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 24.01.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

(i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person (s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on 11.02.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.

(MAHABIR SINGH SINDHU)
JUDGE”

09.01.2019

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

“I have also questioned both the parties to satisfy myself about the validity of compromise and I am satisfied that the parties

have entered into compromise without any fear, force and coercion. In my opinion the compromise entered between the parties is bonafide and genuine. In the present case there are two accused namely Sukha @ Sukhdeep and Rajender. The complainant/injured are Harish Kumar, Smt.Sunita Rani and Raj Kumar, who have all appeared before court and has deposed about genuineness of compromise. The I.O. of this case has directed to give report on the point whether any other case is pending against either of the parties or not, if yes, the details thereof and report has also been sought whether any of the persons involved in this case/dispute has been declared a proclaimed offender. On this I.O. of this case has reported that no case is pending against Harish Kumar, under Sections 323, 341,452,506 read with Section 34 IPC is registered against Rajender in Police Station Baragudha which is pending in the court. The I.O. further reported that accused Sukha @ Sukhdeep has been acquitted in case FIR No.24/2014 and FIR No.06 dated 20.3.2013, under Sections 148, 149, 452 & 506 IPC registered against him in police station Baragudha vide order dated 17.4.2014. No person involved in this case has been declared proclaimed offender.

The parties have appeared and have made statement in support of compromise. The case is at the stage of defence evidence.

The report alongwith statements of the parties as well as with report of I.O. is being sent for kind perusal as desired.

Submitted please

*Yours faithfully,
(Sachin Kumar)”*

A perusal of the above said report would show that the petitioners and respondent nos.2 to 4 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners as well as learned counsel for respondents no.2 to 4 have pointed out that in the present case although in the report, it stated that there is one more FIR no.24 dated 27.07.2014 but

in fact the said FIR is the present FIR but the date has been wrongly mentioned in the report.

Be that as it may, the pendency of another case would not come in the way of quashing of the present FIR since the compromise in the present case has been found to be genuine and bonafide.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondent nos.2 to 4 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 two parties.

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 petitioners and respondents no.2 to 4. 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no. 24 dated 27.02.2014 registered under Sections 323, 341, 452, 506, 34, 325 IPC at Police Station Baragudha, District Sirsa and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

June 01, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No