

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

250

CRM-M-874-2021
Decided on : 29.04.2022

Kuldeep and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. R. S. Dhull, Advocate
for the petitioners.

Mr. Praveen Bhadu, AA, Haryana.

Mr. Sanjeev Majra, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 186 dated 01.12.2020 under Sections 148, 149, 323, 324, 452, 506 and 509 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Titram, District Kaithal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 08.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition filed under Section 482 Cr.P.C. seeks quashing of FIR No.186 dated 01.12.2020 under Sections 148, 149, 323, 324,

452, 506 and 509 of the IPC (Section 326 of the IPC, added later on) registered at Police Station Titram, District Kaithal (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Ld. Counsel for the petitioners refers to Compromise and Affidavit given by the complainant (Annexures P-2 and P-3), and states that the matter has been amicably settled between the parties.

[3]. Notice of motion.

[4]. Mr. Anmol Malik, Deputy Advocate General, Haryana, to accept notice on behalf of respondent No.1.

[5]. At this stage, Mr. Sanjeev Majra, Advocate, has put in appearance on behalf of respondents No.2 and 3 through Video Conferencing and admits the factum of compromise.

[6]. Let requisite number of copies of the Paperbook be supplied to both the counsel.

[7]. In view of the matter, the parties shall appear before the Trial Court/Illaq Magistrate on 04.02.2021, for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/ Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed

offender in the case.

[8]. List on 07.05.2021 .

*Sd/-
08.01.2021 (SUDIP AHLUWALIA)
JUDGE”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Kaithal to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

I have the honour to submit that as directed vide order dated 8.1.2021 passed in CRM-M-874-2021 by Hon'ble Punjab & Haryana High Court, Chandigarh, the complainant/injured namely Malkeet and Paramjeet as well as from accused/party namely Kuldeep, Wazir, Ajay, Aman son of Shri Kuldeep, Sandeep, Anil and Aman son of Shri Raja Ram in the case under reference appeared before the court of undersigned for making statement regarding effecting of compromise. Joint statement of the complainant/injured Malkeet and Paramjeet as well as from accused side persons namely Kuldeep, Wazir, Ajay, Aman son of Shri Kuldeep, Sandeep, Anil and Aman son of Shri Raja Ram duly identified by their learned Counsels have been recorded. The undersigned is obliged to submit the report before Hon'ble Punjab & Haryana High Court, Chandigarh. This is for your honour's kind information and necessary action please.

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of Complainants as well as the petitioners have been recorded in the case and they 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 complainants 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 the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 and 3 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 petitioners and the complainants. 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. 186 dated 01.12.2020 under Sections 148, 149, 323, 324, 452, 506 and 509 of the Indian Penal Code,1860 (Section 326 IPC added later on) registered at Police Station Titram, District Kaithal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

April 29th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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