

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRM-M-596-2022

Decided on : 05.05.2022

Pradeep and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Viraj Gandhi, Advocate
for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Adarsh Dubey, Advocate
for respondent Nos. 2 to 5.

VIKAS BAHL, J. (Oral)

This is the second petition under Section 482 Cr.P.C. for quashing of FIR No. 138 dated 02.08.2021 under Sections 148, 149, 323 and 452 of the Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Sanoli, District Panipat (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 06.04.2022, this Court was pleased to pass the following order:-

“CRM-11490-2022

This is an application filed under Section 482 of Cr.P.C. seeking addition of Section 325 of IPC in the head note as well as in prayer clause of the main petition.

Notice in the application.

On advance notice, Mr. Praveen Bhadu,

AAG, Haryana, appears and accepts notice on behalf of non-applicant/State and Mr. Adarsh Dubey, Advocate appears on behalf of non-applicant/respondent Nos.2 to 5 and have stated that they have no objection in case the present application is allowed.

Keeping in view the averments made in the application as well as no objection from the opposite side, the present application is allowed and Section 325 of IPC is ordered to be added in the head note as well as in the prayer clause of the main petition.

Registry is directed to carry out the necessary corrections.

Main case

This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.138 dated 02.08.2021 registered under Sections 148/149/323/452 of the Indian Penal Code, 1860 at Police Station Sanoli, District Panipat and all the subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 05.05.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Adarsh Dubey, Advocate appears on behalf of respondent Nos.2 to 5.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period

of two weeks.

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 Sub Divisional Judicial Magistrate, Samalkha to the Superintendent (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“1. Vide order dated 06.04.2022, the Hon'ble High Court of Punjab and Haryana had directed the Illaqa Magistrate/Trial Court to submit a report regarding compromise of the parties. The information sought by the Hon'ble High Court is as under:

- (1) Total nine persons have been arrayed as accused.*
- (2) As per report of investigating officer of the case, no accused is/has been declared proclaimed offender.*

(3) It is respectfully submitted that the compromise is genuine, voluntary and without any coercion or undue influence.

(4) As per report of the investigating officer of the case, none of the accused persons is involved in any other FIR.

(5) Statement of HC Jaipal, 878 PPT. Investigating Officer of the case also recorded to the effect that there are total nine accused, one complainant and three injured persons. Arrest of all the accused has already been effected and no accused has been declared proclaimed offender. FIR no, 145 dated 11.08.2021 u/s 323, 506, 325, 34 IPC, PS Sanoli, Panipat is also lodged against Khadak Singh and others.

In compliance of the order of the Hon'ble High Court, statement of complainant, injured and accused persons, dated 20.04.2022, duly identified by their respective counsels, has been recorded wherein they all in unison stated that they have without any pressure, coercion or undue influence, entered into compromise amongst each other and matter has been amicably settled amongst them. They all also stated that they have no objection, if present FIR is quashed by the Hon'ble High Court.

3. The complainants have stated that matter has been settled amicably and they have entered into a compromise with the accused with their own will, volition and without any pressure. They further stated that they have no objection in case FIR no.138 dated 02.08.2021 is quashed. Similar

statement has been given by the accused for quashing of the FIR no. 138 dated 02.08.2021, PS Sanoli, Distt. Panipat.

5. It is submitted that as per statement of complainant and accused persons, the compromise effected amongst the parties is genuine & voluntarily, out of their free will and volition. Report is submitted for kind perusal of the Hon'ble Punjab & Haryana High Court, Chandigarh. I shall be highly obliged.

Thanking you,”

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 statements of the complainants have 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 to 5 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainants and the present FIR having been compromised deserves to be quashed. 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. 138 dated 02.08.2021 under Sections 148, 149, 323 and 452 of the Indian Penal Code,1860 (Section 325 IPC added later on) registered at Police Station Sanoli, District Panipat (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 5th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No