

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-950-2022

Decided on : 23.02.2022

Anil

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Ravi Malik, Advocate
for respondent Nos. 2 to 5.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 909 dated 28.12.2021 under Sections 279 and 337 of the Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 01.02.2022, the following order was passed:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.909 dated 28.12.2021 (Annexure P-1) registered under Sections 279, 337 IPC at Police Station Assandh, District Karnal and all other consequential proceedings arising therefrom on the basis of compromise deed dated 05.01.2022 (Annexure P-2).

Learned counsel for the petitioner 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. Ravi Malik, Advocate, appears on behalf of respondents no.2 to 4 and admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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.*

Adjourned to 23.02.2022.”

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

“Statements of all the parties i.e. complainant, aggrieved persons and accused person were recorded on oath. All of them made statements to the effect that they have voluntarily and amicably settled the present case. The complainant and

aggrieved persons further submitted that they have no objection if the present FIR is quashed. The accused requested that in view of the statement given by the complainant and aggrieved persons the present FIR be quashed. The complainant, aggrieved persons and accused submitted that they have given the statements in the Court without any fear, pressure or coercion. In view of the statements given by the complainant, aggrieved persons and accused in the court, it appears that the compromise has been entered into voluntarily and without any pressure or influence from any side.

Vide order dated 1.2.2022, the Trial Court had also been directed to submit report with respect to number of persons arrayed as accused, whether any accused has been declared a proclaimed offender, whether the accused persons are involved in any other FIR or not, number of victims/complainants in the FIR.

Consequent upon the issuance of notice, the detailed report was filed in the Court by HC Ram Niwas on behalf of SHO P.S. Assandh wherein it was informed that there is only one accused, namely, Anil in the present case, that he has not been declared a proclaimed offender, that no other FIR/complaint is pending against the accused. It was also informed that there is only one complainant, namely, Pawan and there are three aggrieved persons in the present case, namely, Mahindro, Sonia and Jiyo Devi.

Submitted please.”

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 petitioner has submitted that the petitioner was never declared proclaimed offender in the present case and is not involved in any other FIR.

Learned counsel for the State, as per instructions, has stated that these 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, 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. 909 dated 28.12.2021 under Sections 279 and 337 of the Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

23.02.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No