

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(274)

CRM-M-2488-2022

Date of decision: - 05.04.2022

Chander Shekhar and others

....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- None for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.536 dated 17.09.2021 registered under Sections 323, 34, 384, 506 of the Indian Penal Code, 1860 at Police Station Civil Lines, Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 02.02.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.536 dated 17.09.2021 registered under Sections 323, 34, 384, 506 of the Indian Penal Code, 1860 at Police Station Civil Lines, Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 27.12.2021 (Annexure P-2).

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

Notice of motion for 03.03.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Dinesh Maurya, Advocate appears on behalf of respondent No.2.

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.”*

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

“2. Statement of complainant Sharda Rani and statement of accused Chander Shekhar, Sushila Devi and Ashwani has been recorded on solemn affirmation wherein they stated that the compromise has been arrived at between them with their free consent without any pressure of any kind. They requested for quashing the aforesaid FIR in view of the voluntary compromise arrived between them. Accused also suffered a statement to the effect that they have never been declared proclaimed persons by any court.

3. Further, statement of Investigating Officer ASI Ajay Kumar has also been recorded. He stated that in the above-said FIR,

three persons namely Chander Shekhar, Sushila Devi and Ashwani have been arrayed as accused in the present case but later on challan was only filed against accused Chander Shekhar and Sushila Devi. He further submitted that no accused has been declared proclaimed person as per the record of police. He further submitted that as per the record of police, accused are not involved in any other FIR. He also stated that there is no other complainant/victim/injured in the present case except complainant Sharda Rani.

4. *After careful perusal of the statement given on solemn affirmation by the complainant as well as accused vis-a-vis compromise concerning the present case and after careful analysis of the same, no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Rather this Court is convinced that the compromise between the parties in question appears to have been entered into voluntarily without any pressure or inducement. Therefore, the above report is forwarded for your kind perusal, please.*

(Anil Kumar Yadav)

JMIC, Karnal

UID No.-HR-0415

18.02.2022”

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 there genuine, without any pressure or inducement.

After perusing the report submitted by the learned trial 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 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, this petition is allowed and FIR No.536 dated 17.09.2021 registered under Sections 323, 34, 384, 506 of the Indian Penal Code, 1860 at Police Station Civil Lines, Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

April 05, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No