

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M-2718-2022
Decided on : 17.05.2022

Pawan Kumar

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Parveen Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 220 dated 16.07.2017 under Sections 354, 452 and 506 of the Indian Penal Code, 1860 registered at Police Station Taraori, District Karnal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 03.02.2022, a coordinate Bench this Court was pleased to pass the following order:-

“Petitioner is seeking quashing of FIR bearing No. 220 dated 16.07.2017, under Sections 354/452/506 IPC, 1860, registered at Police Station Taraori, Karnal and all the subsequent proceedings arising therefrom on the basis of compromise having been effected

between the parties.

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties. Respondent No.2 has sworn an affidavit dated 22.11.2021 (Annexure P-3) to the effect that a compromise has been effected with the intervention of the respectable persons and she does not want to initiate any legal action against the petitioner. She has further stated in the affidavit that the compromise has been effected of her own free will and consent. The parties are residents of the same village and the amicable settlement will help in maintaining the cordial relation in future.

Notice of motion.

Mr. Vikas Bhardwaj, AAG, Haryana accepts notice on behalf of the respondent-State.

Mr. Parveen Sharma, Advocate has put in appearance on behalf of respondent No.2 and filed his Vakalatnama and has acknowledged the fact of compromise.

The parties are directed to appear before the learned Illaqa Magistrate/Trial Court for recording their statements with regard to compromise/settlement on 21.03.2022. It is made clear that if for any reason, the statements are not recorded on that date, the same may be recorded on any date convenient to the Court concerned.

The learned 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 in FIR;*
- 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 case 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. To await the report, list again on 17.05.2022.”*

In pursuance of the above order, a report has been submitted by the Judicial Magistrate 1st Class, Karnal. The relevant portion of the said report is reproduced hereinbelow:-

“3. Further, statement of Investigating Officer SI Karambir has also been recorded. He stated that in the above-said FIR, only one accused namely Pawan is arrayed as accused in the FIR. He further submitted that accused Pawan has not been declared proclaimed person as per the record of police. He further submitted that accused Pawan is not involved in any other case as per record of police. He further submitted that there is only one complainant in the present case namely Mamta Rani and no other victim or injured or complainant is involved in the present case/FIR.

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. ”

A perusal of the above report would show that the statements of Complainant as well as the petitioner 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 complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and is 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 No. 2 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 petitioner and the complainant 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. 220 dated 16.07.2017 under Sections 354, 452 and 506 of the Indian Penal Code, 1860 registered at Police Station Taraori, Distict Karnal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 17th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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