

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-2130-2020
Decided on : 20.05.2022

Vijay Kumar

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vaibhav Jain, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. K. S. Khaira, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 139 dated 02.04.2019 under Sections 384, 387 and 506 of the Indian Penal Code, 1860 registered at Police Station Dabua, District Faridabad (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 20.01.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition for quashing of FIR No.139 dated 02.04.2019 under Sections 384, 387 and 506 of Indian Penal Code registered at Police Station Dabua, District Faridabad on the basis of compromise dated 03.01.2020 (Annexure P-2).

Notice of motion.

Mr.Khushbir Singh Khaira, Advocate has put

in appearance on behalf of respondent No.2 and has filed his 'Vakalatnama' in Court today which is taken on record. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 31.01.2020 for getting their statements recorded with regard to the compromise.

The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties. Report of the Illaqa Magistrate/trial Court be awaited for 28.02.2020.*

January 20,2020 *Sd/-
(SUVIR SEHGAL)
JUDGE”*

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

“On 31.01.2020, complainant Chattarpal appeared

before the Court. Accused person namely Vijay Kumar also appeared on 31.01.2020 for recording the statement of compromise. The nature and consequence of the statement being recorded by both the parties was explained to them and after being satisfied that the statements were being made voluntarily, statements of the concerned parties were recorded. Statements of complainant Chattarpal and accused Vijay Kumar were recorded with regard to their compromise. Complainant Chattarpal is duly identified by his counsel Shri R.K. Rajan, Advocate. Accused Vijay Kumar is also identified by his counsel Shri Waseem Khan, Advocate. There is only one complainant or affected/aggrieved party i.e. Chattarpal and he is appeared before the court for recording his statement. There is only one accused arrayed in FIR and he is appeared before the Court for recording his statement and proceedings in this case are pending for arguments on charge.

No accused was declared proclaimed offender in this case.

In view of the statements of the interested parties, I am satisfied that they have compromised the matter amongst themselves without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them. Statements of the interested parties in original are enclosed herewith.

Submitted please.”

A perusal of the above report would show that the statements of both the parties 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 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. 139 dated 02.04.2019 under Sections 384, 387 and 506 of the Indian Penal Code, 1860 registered at Police Station Dabua, District Faridabad (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 20th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No