

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRM-M-3331-2022
Decided on : 09.03.2022

Preet Pal

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Sahil Goyal, Advocate for
Mr. Sanyam Khetarpal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 294 dated 01.07.2021 registered under Sections 323, 324 and 506 of the Indian Penal Code, 1860 registered at Police Station Sector-5, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 08.02.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.294 dated 01.07.2021 registered under Sections 323, 324, 506 of the Indian

Penal Code, 1860 at Police Station Sector-5 Panchkula, District Panchkula, Haryana (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

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

Notice of motion for 09.03.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and Mr. Sanyam Khetarpal, 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, a report has been submitted by the Principal Magistrate, Juvenile Justice Board, Panchkula to the Registrar (General) of this Court. The relevant portion of the said report is

reproduced hereinbelow:-

“I have questioned the parties and they have stated that they have compromised the matter with free consent and without any coercion and undue influence.

In light of the on oath statements of the parties and personal hearing given to them by the court as well as the statement of SI Jasbir Singh (Juvenile officer in this case), the undersigned is of the opinion that

- 1. Only Preetpal arrayed as accused/CCL in the FIR.*
- 2. Accused/CCL is not a proclaimed offender/run-away child.*
- 3. The compromise drawn amongst the parties is genuine, voluntary and without any coercion or undue influence.*
- 4. The CCL Preetpal is also involved in another FIR no. 159, dated 18.04.2021 under Sections 379/411 IPC, Police Station:Sector-5, Panchkula.*
- 5. As per the statement of SI Jasbir Singh (Juvenile officer in this case) there is only one victim/complainant in the present FIR.*

Accordingly, report of compromise is being forwarded to the Hon'ble Punjab & Haryana High Court alongwith copies of on oath statements of parties and other accompanying documents for necessary action 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.

Merely because the petitioner is involved in one more case, does not come in the way of quashing of the present FIR on the basis of compromise. 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.

Learned counsel for the State, as per instructions, has stated that this fact is 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, 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. 294 dated 01.07.2021 registered under Sections 323, 324 and 506 of the Indian Penal Code,1860 registered at Police Station Sector-5, Panchkula (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

March 9th, 2022
Mehak

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