

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-3620-2022
Decided on : 06.05.2022

Randhir Singh

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Rinky Gupta, Advocate for
Mr. P. S. Jammu, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Santosh Kumar Yadav, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 10 dated 11.01.2022 under Sections 294, 307 and 506 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 registered at Police Station Ellenabad, District Sirsa (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 09.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“By way of filing the instant petition, the petitioner has sought indulgence of this Court in quashing of FIR No.10 dated 11.01.2022, registered under Sections 294, 307, 506 IPC and Section 27 of Arms Act, 1959 at Police Station Ellenabad, District Sirsa and all consequential

proceedings arising therefrom, on the basis of compromise by way of affidavit (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Amreek Singh Narwal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Mr. Santosh Kumar Yadav, Advocate puts in appearance on behalf of respondent No. 2- complainant and admits the factum of compromise effected between the parties.

Since the parties have moved this Court for quashing of the FIR on the basis of the compromise, they are directed to appear before trial Court/Illaq Magistrate on 15.02.2022 or on any other date convenient to the Court, for recording their statements with regard to the genuineness and authenticity of compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 07.03.2022 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. Whether all the parties named in the FIR have made their statement regarding the compromise.*

6. *Current stage of the case.*

*Report of the Illaqa Magistrate/trial Court
be awaited for the date fixed. Reply on behalf of
State also be filed.*

09.02.2022 *Sd/-
(SANT PARKASH)
JUDGE"*

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

"Hence, it is reported that:

- 1. Accused Randhir Singh is the only accused in the present FIR.*
- 2. No accused is proclaimed offender in this case.*
- 3. The compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. The accused Randhir Singh is not involved in any other case.*
- 5. The complainant Pritam Singh and the accused Randhir Singh have made their statements regarding the compromise. Only FIR has been registered in this case. No accused has been arrested or produced before the Court.*

This report alongwith original statements of the parties and their identity proofs i.e. Aadhar Cards are being submitted for your kind perusal and necessary action, please."

A perusal of the above report would show that it has been stated 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 in the present case, no injury has been caused to any person and there is no opinion of the doctor declaring any injury dangerous to life and thus, Section 307 IPC, *prima facie*, is not made out. It is further 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. 10 dated 11.01.2022 under Sections 294, 307 and 506 of the Indian Penal Code,1860 and Section 27 of the Arms Act, 1959 registered at Police Station Ellenabad, Distrcet Sirsa (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 6th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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