

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

269

CRM-M-3856-2022

Decided on : 10.05.2022

Lehna Singh

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. Ankit Aggarwal, Advocate for  
Mr. Pankaj Bali, Advocate  
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of  
FIR No. 25 dated 18.01.2022 under Sections 420 and 506 of the Indian  
Penal Code, 1860 registered at Police Station Kurukshetra University,  
District Kurukshetra (Annexure P-1) and all subsequent proceedings  
arising on the basis of the compromise.

On 10.02.2022, a coordinate Bench of this Court was  
pleased to pass the following order:-

*“Taken up in virtual mode.*

*The present petition has been filed under  
Section 482 of the Code of Criminal Procedure,  
1973 for quashing of FIR No.25 dated 18.01.2022  
under Sections 420, 506 of the Indian Penal  
Code, 1860 (IPC) registered at Police Station*

*Kurukshetra University, Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise dated 19.01.2022 (Annexure P-2).*

*Learned counsel for the petitioner would contend that the dispute between the parties has since been settled and they have entered into a written compromise dated 19.01.2022 (Annexure P-2). Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court rendered in "Gian Singh V/s State of Punjab & Anr." 2012 (10) SCC 303 and the Larger Bench's judgment of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." 2007 (3) RCR (Criminal) 1052.*

*Notice of motion.*

*On the asking of the Court, Mr. Sukhdeep Parmar, DAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Parveen Sharma, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.*

*Learned counsel appearing for respondent No.2 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. He further submits that the said compromise has voluntarily been entered into by respondent No.2 and further that respondent No.2 has no objection if the aforesaid FIR is quashed.*

*List on 10.05.2022.*

*Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 21.03.2022, or on any*

*other date convenient to the Court, for recording of their statements. The CJM/Illaqa Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:*

- 1) Whether the settlement/compromise dated 19.01.2022 has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.*

10.02.2022 *Sd/-  
(ALKA SARIN)  
JUDGE”*

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

*“Vide order dated 10.02.2022, passed by the Hon'ble Punjab and Haryana High Court in CRM-M-3856-2022 titled as 'Lehna Singh Vs. State of Haryana and another, this Court has been directed to send the following information:*

***i. Whether the settlement/compromise dated***

***19.01.2022 has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.***

*In compliance of the aforesaid order, separate statements of complainant-Roshan Lal and accused-Lehna Singh were recorded, wherein they stated that they have compromised the matter voluntarily and now, there is no dispute between them and, therefore, FIR may be quashed. Both the parties were also asked if they have entered the aforementioned compromise voluntarily and without any influence or coercion, to which they answered in affirmative. It is further submitted that the compromise effected between the parties is genuine and valid.*

***(ii) Whether any other criminal cases are pending against the parties.***

*As per the report submitted by the IO, no other criminal case is pending against either of the parties.*

***(iii) Whether any proclamation proceedings are pending against either of the parties.***

*As per the report submitted by the IO, none of the parties was declared proclaimed offender/person.*

2. *From the above, it is evident that the parties have arrived at compromise voluntarily and without any coercion.”*

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 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. 25 dated 18.01.2022 under Sections 420

and 506 of the Indian Penal Code,1860 registered at Police Station Kurukshetra University, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 10<sup>th</sup>, 2022  
*Mehak*

(VIKAS BAHL)  
JUDGE

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