

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3613-2022

Date of decision : 04.05.2022

Rahul Jain

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Manoj Pundir, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Ms.Ishita Jain, Advocate for
Mr. Namit Jain, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.222 dated 08.10.2021 registered under Sections 354-C, 354-D IPC (Sections 354-C, 354-D IPC were deleted and Section 67 of IT Act was added later on) at Police Station Women Police Station, District Yamuna Nagar and all other consequential proceedings arising therefrom on the basis of compromise.

On 09.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the complainant-respondent No. 2 has submitted that the complainant had contracted COVID-19 virus and could not appear before the trial Court for recording his statement and prays for one more opportunity for the parties to appear before the trial Court and record their statements.

The parties are again directed to appear before the Illaqa

Magistrate/trial Court for recording their statements qua compromise within a period of one month.

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.*

Adjourned to 04.05.2022.

(VIKAS BAHL)
JUDGE

09.03.2022”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri. The relevant portion of the said report is reproduced hereinbelow:-

“In view of directions contained in the said order the complainant namely Divya Bansal and the accused namely Rahul Jain appeared before the undersigned, being Illaqa Magistrate on 28.03.2022 for recording their statement and placed on record the photocopy of the compromise entered between them which is Mark A. Their separate statements upon being duly identified by their respective counsels were recorded regarding compromise, in which they stated that they have compromised the matter voluntarily and without any coercion or undue influence.

3 As per the said order, the undersigned being Illaqa Magistrate has also been directed to submit the report containing certain particulars. It is pertinent to mention here that, those particulars have already been sent by the undersigned along with the original statement of Investigating Officer vide report dated 04.03.2022. Photocopy of previous report as well as statement of I.O. is again sent for kind perusal.

4. As to whether the compromise is genuine, voluntary and

without any coercion or undue influence.

It is submitted that before recording the statements, parties were orally questioned by the undersigned regarding genuineness and validity of the compromise and they stated that they have entered into the compromise voluntarily and with free will. In my view the compromise is genuine, and the parties have entered the compromise with free-will without any undue influence or coercion.

Original statements of the complainant, accused along with photocopy of compromise Mark A and photocopy of previous report dated 04.03.2022, photocopy of statement of I.O. dated 04.03.2022 are attached herewith for kind perusal of the Hon'ble High Court.

Submitted please.

*(Shweta Sharma)
Judicial Magistrate Ist Class
Yamuna Nagar at Jagadhri
UID No.0539 "*

Dated: 30.03.2022

A perusal of the above said report would show that the petitioner and respondent no.2 have appeared and have submitted statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent no.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.222 dated 08.10.2021 registered under Sections 354-C, 354-D IPC (Sections 354-C, 354-D IPC were deleted and Section 67 of IT

Act was added later on) at Police Station Women Police Station, District Yamuna Nagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

May 04, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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