

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(281)

CRM-M-3512-2020

Date of decision: - 25.07.2022

Vinod and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Deepak Bhardwaj, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

None for respondent Nos.2 to 5.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.387 dated 19.11.2019, registered under Sections 323, 325, 506, 148 and 149 IPC (Section 307 IPC has been added later on), at Police Station Nissing, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise.

On 27.01.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer made in this petition is for quashing of FIR on the basis of compromise.

Offence under Section 307 IPC was added later on owing to a surgery of abdomen of injured Monu Kumar. As per FIR, petitioner No.3 gave 'Saria' blow on the waist and petitioner No.4 gave a 'Saria' blow on the abdomen of the injured Monu Kumar. When the injured

was lying, the accused have inflicted kick and feast blows.

Learned counsel for the petitioners contends that offence under Section 307 IPC is not made out even as per the allegations and the parties have amicably resolved their differences.

Notice of motion for 17.04.2020.

At this stage, Mr. L.S. Virk, Advocate appears on behalf of respondents No.2 to 5.

In the meanwhile, parties are directed to appear before the Illaqa Magistrate/trial Court on 06.02.2020 and the Illaqa Magistrate/trial Court after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

(RAJ MOHAN SINGH)
JUDGE

27.01.2020”

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

“2. Statement of complainants/respondents Monu Kumar. Ramesh Kumar, Naresh Kumar and Kashi Ram and accused/petitioners Vinod, Vicky alias Jony, Raj, Anil and Sahil (Annexure 1) has been recorded on solemn affirmation in which they stated that they have compromised the matter with each other voluntarily and without any fear or pressure.

3. After careful perusal of the statement given on solemn affirmation by the complainants/respondents as well accused/petitioners concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Therefore, this court is of the thoughtful opinion that as the available material on record is in favour to reflect a valid compromise between the parties.

4. Further the number of accused persons involved in this case

are five.

5. *Further no accused has been declared as proclaimed offender in the present case.*

6. *Therefore, the above mentioned facts and circumstances, as part of report are detailed for your honour's kind information, please.*

Submitted please.

*(Mukesh Kumar)
JMIC/Karnal
06.02.2020”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that the said fact is correct.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners 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, this petition is allowed and FIR No.387 dated 19.11.2019, registered under Sections 323, 325, 506, 148 and 149 IPC (Section 307 IPC has been added later on), at Police Station Nissing, District Karnal and all the subsequent

proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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