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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-6905-2022

Date of decision : 09.12.2022

Anoop Kumar Chobey

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sant Lal Barwala, Advocate for the petitioner.

Mr. Vishal Malik, AAG, Haryana.

Mr. M.S. Chahal, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.72 dated 13.02.2021 registered under Sections 406, 420, 201, 120-B of the Indian Penal Code, 1860 at Police Station City Hisar, District Hisar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video conferencing.

Notice of motion.

Mr.Sumit Jain, Addl.A.G., Haryana and

Mr.M.S.Chahal, Advocate, accept notice on behalf of respondent No.1 and respondent No.2 respectively.

Learned counsel for the petitioner undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.72 dated 13.02.2021 registered under Sections 406, 420, 201 and 120-B IPC at Police Station City Hisar, District Hisar on the strength of a written compromise dated 06.01.2022 (Annexure P-2) entered into between the parties.

The petitioner as also respondent No.2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 04.03.2022 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 08.08.2022.

22.02.2022

*Sd/-[DEEPAK SIBAL]
JUDGE”*

In pursuance of the abovesaid order, a report has been submitted by the Additional Chief Judicial Magistrate, Hisar. The relevant portion of the said report is reproduced hereinbelow:-

“i. Names of accused: Challan has been filed against accused Anoop Kumar Chobey S/o Nagender Nath Chobey and Mohammad Nizam Ansari. As per the Investigating Officer, another accused namely Parveen has not been arrested so far.

ii. As stated by accused Anoop Kumar Chobey produced through VC from Bhopal Jail, he has never been declared a PO in any case. As per record, and statement of ASI Sher Singh, IO, none of the accused is a PO in this case. Further, as per statement of IO, three other cases, mentioned above, are registered against the accused Anoop Kumar Chobey, whereas, no other case is registered against accused Mohd. Nizam Ansari.

iii. In view of the statements of the complainant and accused Anoop Kumar Chobey, I am satisfied that the parties have compromised the matter without any fear or pressure and that the compromise has been voluntarily arrived at between them out of their free will. Complainant stated that he had effected the compromise with accused Anoop Kumar Chobey and Mohd. Nizam Ansari, and that he did not want further proceedings against any accused in this case.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. 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. 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.

Learned counsel for the State, as per instructions has stated that the said fact is correct.

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**”, reported as **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**”, reported as **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.72 dated 13.02.2021 registered under Sections 406, 420, 201, 120-B of the Indian Penal Code, 1860 at Police Station City Hisar, District Hisar and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

09.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No