

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.263

CRM-M-5957-2022

Date of Decision: August 24, 2022

Charanji and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. S.N. Sharma, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Akash Manocha, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0012, dated 04.01.2022, under Sections 148, 149, 323, 325 and 506 of the Indian Penal Code, registered at Police Station Shahabad, District Kurukshetra, and all other consequential proceedings arising therefrom on the basis of the compromise dated 05.01.2022 (Annexure P-2).

On 11.02.2022, this Court had passed the following order:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed seeking quashing of FIR No.0012 dated 04.01.2022 under Sections 148, 149, 323, 325 and 506 of the IPC registered at Police Station Shahabad, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise dated 05.01.2022 (Annexure P-2).

Notice of motion.

Mr. Ashish Yadav, Additional AG Haryana appears and accepts

notice on behalf of respondent-State.

Mr. Akash Manocha, Advocate appears on behalf of respondent No.2 and undertakes to file his power of attorney in the Registry of this Court. He admits the execution of the compromise effected between the parties.

Let the parties appear before the Illaqa Magistrate/trial Court on 03.03.2022 to get their statements recorded as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings;*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

To come up for further consideration on 30.03.2022.

Response, if any, may also be filed by the State on or before the adjourned date.”

Pursuant to the aforesaid order, report dated 04.03.2022 has been received from the Sub Divisional Judicial Magistrate, Shahabad.

The relevant part of the said report is as under:-

“As per the order dated 11.02.2022 passed by the Hon'ble Punjab and Haryana High Court, following information are as under:-

- (i) There are six accused persons namely Charanji, Tira 2 Balwant Bhaiya @ Rahul, Goldy @ Manikant, Rohan and Rajat arrayed in the present FIR.*
- (ii) None of the accused has been declared proclaimed offender in the present FIR.*
- (iii) The case is at the stage of supplying copies of challan.*
- (iv) The compromise is genuine and is found valid, voluntary, out of free will of the parties and without any*

influence and coercion.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are six accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused has been declared as proclaimed offender.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainants. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.0012, dated 04.01.2022, under Sections 148, 149, 323, 325 and 506 of the Indian Penal Code, registered at Police Station Shahabad, District Kurukshetra, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 24, 2022

sarita

**(AMAN CHAUDHARY)
JUDGE**

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