

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

CRM-M-11218-2021
Decided on : 18.07.2022

Abhishek

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Ishita Jain, Advocate for
Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Arun Dulgach, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 456 dated 25.07.2020 under Section 379-B of the Indian Penal
Code, 1860 registered at Police Station City Yamuna Nagar, District
Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising
therefrom on the basis of the compromise.

When the matter came up before this Court on 10.05.2022,
the following order was passed:

*“Learned counsel for the petitioner as well respondent
No. 2 have jointly submitted that in the present case, there are 3
accused but the compromise has been effected with only one
accused i.e. the present petitioner and the present case is a case
of partial compromise and has relied upon the judgment of the*

Hon'ble Supreme Court titled as Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401, to contend that even in case of a partial compromise, the FIR can be quashed qua the accused with whom the compromise has been effected.

Adjourned to 18.07.2022.

The parties are 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."*

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

"2. It is further reported, as per the statement of the Investigating Officer, that three accused persons were found involved in the present case, Out of three accused persons, the challan of two accused persons i.e. Amarjeet Singh alias Monku and Sumer Singh alias Rinku has been presented before the Court and the same

is pending before the Court of Shri Amarinder Sharma, learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, but till yet the arrest of accused Abhishek could not be effected.

3. It is also reported, as per the statement of the Investigating Officer, that accused persons have not been declared Proclaimed Offender/Person by any Court of Law in this case.

4. It is also reported, as per the statement of the Investigating Officer, that no other criminal case is pending against accused Abhishek. but a criminal case bearing FIR No.458 of 2020, under Sections 323, 325, 506, 34 of IPC, Police station City Yamuna Nagar is pending against accused Amarjeet.

5. It is also reported, as per the statement of the Investigating Officer, that in this case, there is only one victim/complainant namely Junaid Khan.

Statement of Investigating Officer, namely SI Lakhwinder Masih, is Annexure-IV (Annexed herewith in original).

Hence, this report.

Submitted please.”

A perusal of the said report would show that 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. As per the said report, it has been observed that the petitioner was never declared as proclaimed offenders in the present case.

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 bring out peace and amity between the 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 456 dated 25.07.2020 under Section 379-B of the Indian Penal Code, 1860 registered at Police Station City Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

July 18th 2022
Mehak

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