

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

255

CRM-M-6304-2022  
Decided on : 07.04.2022

Jatinder Singh and another

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. Parminder Singh, Advocate  
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Sukhdeep Singh, Advocate  
for respondents No. 2 and 3.

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 961 dated 24.12.2019 under Sections 406, 420, 506, 384 and 120-B of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1983 registered at Police Station Assandh, District Karnal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 14.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

*“The present petition has been filed for quashing of FIR No.961 dated 24.12.2019 registered under Sections 406, 420, 506, 384 & 120-B of the IPC and Section 24 of the Immigration Act, 1983 at Police Station Assandh, District Karnal on the basis of compromise entered into between the parties.*

*Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into*

*compromise on 04.02.2022 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.*

*Notice of motion.*

*Mr. Gaurav Bansal, AAG, Haryana accepts notice on behalf of respondent No. 1.*

*Ms. Kamlesh, Advocate for Mr. Sukhdeep Singh, Advocate accepts notice on behalf of respondents No.2 and 3. She admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.*

*Adjourned to 07.04.2022.*

*In the meantime, the parties are directed to appear before the concerned trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 03.03.2022 by moving appropriate application or by presenting this order.*

*The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:*

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a 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, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.*

*The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in*

*case the FIR is to be quashed.*

*February 14, 2022 (HARSIMRAN SINGH SETHI)  
JUDGE”*

In pursuance of the said order, a report has been submitted by the Sub Divisional Judicial Magistrate, Assandh to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

*“In compliance of order dated 14.2.2022, passed by the Hon'ble High Court in CRM-M-6304-2022 the complainant Kuldeep Singh and aggrieved person, namely, Dilbag presented themselves in the court on 3.3.2022. The accused, namely, Jitender Singh and Ajeet Singh also presented himself in the Court on the said date.*

*Statements of all the parties i.e. complainant, aggrieved person and accused persons were recorded on oath. All of them made statements to the effect that they have voluntarily and amicably settled the present case. The complainant and aggrieved person further submitted that they have no objection if the present FIR is quashed. The accused requested that in view of the statement given by the complainant and aggrieved person the present FIR be quashed. The complainant, aggrieved person and accused persons submitted that they have given the statements in the Court without any fear, pressure or coercion. In view of the statements given by the complainant, aggrieved person and accused in the court, it appears that the compromise has been entered into voluntarily and without any pressure or influence from any*

side.

*Vide order dated 3.3.2022, the Trial Court had also been directed to submit report with respect to number of persons arrayed as accused, whether any accused has been declared a proclaimed offender, whether the accused persons are involved in any other FIR or not, number of victims complainants in the FIR.*

*Consequent upon the issuance of notice, the detailed report was filed in the Court on 21.3.2022 on behalf of SHO P.S. Assandh wherein it was informed that initially FIR was got registered against accused Jitender. Ajeet and Harleen Kaur, Harleen Kaur was found to be innocent during investigation. It was informed that none of the accused is a proclaimed offender and that no other criminal case has been registered against the accused. It is submitted that as per the challan submitted in the Court, there is one complainant, namely, Kuldeep Singh and one aggrieved person, namely, Dilbag Singh and all the accused, complainant and victim are the parties to the compromise recorded in the Court.*

*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 petitioners 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 petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent Nos. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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 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, the petition is allowed and FIR No. 961 dated 24.12.2019 under Sections 406, 420, 506, 384 and 120-B of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1983 registered at Police Station Assandh, District Karnal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

**April 7<sup>th</sup>, 2022**  
Mehak

**(VIKAS BAHL)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No