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

CRM-M-7254-2022 (O&M)
Date of decision : 06.07.2022

Aman Goyal and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shokeen Singh Verma, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Ms. Jaspreet Kaur, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.119 dated 02.04.2021 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Faridabad, Old District Faridabad (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.05.2022, this Court had passed the following order:-

“Learned counsel for the petitioners prays for one more opportunity to get the statements of the parties recorded.

Adjourned to 06.07.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua

compromise within a period of 15 days from today.

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.*

However, since the statement of the parties could not be recorded in spite of giving direction, thus, the above said opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the High Court Lawyers' Welfare Fund, within a period of 10 days from today.

The trial Court shall only record the statements of parties on production of the receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed. ”

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

“There is only one complainant/victim in this case namely Ms Geeta Devi. So, the pointwise reply, as sought by Hon'ble High Court, is as under:

- i. There are four accused namely Aman Goyal, Akash Goyal, Renu Bala Sharma and Chanchal Bhardwaj in this*

case.

ii. No accused has been declared proclaimed offender in this case.

iii. Compromise is genuine, voluntary and without any coercion or undue influence.

iv. Accused Aman Goyal, Akash Goyal and Renu Bala are also culprits in FIR No.265/2021, under Sections 406/420 IPC. P.S. Old Faridabad and in FIR No. 167 dated 1.5.2022, under Sections 406, 420 IPC, PS. Old Faridabad

v. As per the statement recorded of the I.O. SI Kailash Chander there is only one complainant/victim in this case namely Ms Geeta Devi.

Copies of zimni orders as well as original statements of parties and report/statement of SI Kailash Chander, receipt of Rs.5,000/-in favour of High Court Lawyers Welfare Fund bearing No.2718 dated 20.5.2022 are enclosed herewith for kind perusal of the Hon'ble High Court.

The requisite report is submitted herewith for information and necessary action.

Thanking you.

Encl: as above.

Yours faithfully

Sd/- (Chavi Goel)

*Link Court/Judicial Magistrate 1st Class,
Faridabad. (UID No. HR0377)”*

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 petitioners has submitted that the petitioners were not declared proclaimed offenders 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.119 dated 02.04.2021 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Faridabad, Old District Faridabad (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

06.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No