

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M- 5980-2020
Decided on : 16.03.2022

Paramjeet Singh and another

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Anshul Mangla, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Raman Kumar, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 211 dated 20.06.2016 under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 registered at Police Station Farakpur, District Yamunanagar and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before a co-ordinate Bench of this Court on 11.02.2020, the following order was passed:-

“Learned counsel for the petitioners refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.211 dated 20.06.2016 (Annexure P-1) under

Sections 148, 149, 323, 506 IPC registered at Police Station Farakpur, District Yamunanagar on the basis of compromise dated 31.01.2020 (Annexure P-2).

Notice of motion for 28.04.2020.

At the asking of the Court, Mr. Baljinder Singh Virk, DAG Haryana accepts notice on behalf of the State. Let the copy of the petition be handed over to learned State counsel during the course of the day.

Mr. Sahil Chaudhary, Advocate has caused representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on 16.03.2020 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate 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 in FIR.*
- 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 case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

11.02.2020

Janki

(VIVEK PURI)

JUDGE”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri to the Registrar (General) of this Court. The relevant portion of the said report is

reproduced hereinbelow:-

“In view of above statement of complainant and present two accused, this Court is of the considered opinion that compromise arrived at between the complainant and above stated accused is voluntarily, without any pressure and genuine. The para wise report is as follows:

- 1. As per statement of the Investigating Officer, there are two accused namely, Vikram Jaiswal and Paramjit Singh.*
- 2. As per statement of the Investigating Officer, none of the accused has been declared as Proclaimed Offender.*
- 3. As per statements of all the concerned parties, compromise is genuine voluntary and without any coercion or undue influence.*
- 4. As per statement of 1.0, no other FIR or case is pending against both the accused.*
- 5. As per statement of the Investigating Officer, there is no other aggrieved party except complainant Mukul Mehta.*

Report is submitted for his lordship's kind perusal and necessary action, please.

Thanking you,”

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.

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 No. 2 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. 211 dated 20.06.2016 under Sections 148, 149, 323 and 506 of the Indian Penal Code,1860 registered at Police Station Farakpur, District Yamunanagar and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

March 16th, 2022
Mehak

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