

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-5801-2020

Date of Decision: August 17, 2022

SUNIL KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Prabhjot Singh, Advocate for
Mr. Piyush Aggarwal, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Partesh Bir Singh Sidhu, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.1074, dated 09.12.2017, under Sections 323, 325 and 506 of IPC, registered at Police Station Sadar Jhajjar, District Jhajjar and challan dated 12.01.2018 and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 01.02.2020 (Annexure P-2).

On 10.02.2022, this Court had passed the following order:-

“This is a petition for quashing of FIR No.1074 dated 09.12.2017 under Sections 323, 325 and 506 of Indian Penal Code, 1860 registered at Police Station Sadar Jhajjar and challan dated 12.01.2018 on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Partesh Bir Singh Sidhu, Advocate has put in appearance on behalf of respondent No.2 and has filed his Power of Attorney which is

taken on record. He has admitted the factum of compromise effected between the parties. The parties are directed to appear before the Illaqa Magistrate/trial Court on 06.03.2020 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;
2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;
3. the stage of trial/proceedings;
4. if the compromise is genuine, voluntary and out of free will of the parties.

Report of the Illaqa Magistrate/trial Court be awaited for 15.04.2020. ”

Pursuant to the aforesaid order, report dated 07.03.2020 has been received from Judicial Magistrate Ist Class, Jhajjar. The relevant paragraph of the said report is as under:-

“In view of the statement made by the parties, this Court is of considered view that compromise arrived at between the parties is genuine, voluntary and out of free will of the parties. There is only one accused namely Sunil in the present FIR and he has appeared before the Court and has made the statement. No accused is absconding/proclaimed offender in the present case. The name of the complainant is Balganand and except complainant, there is no injured/aggrieved party and complainant has appeared before the Court and has made the statement in support of the compromise. The present case is at the stage of prosecution evidence. Hence, in compliance of the order dated 10.02.2020 of the Hon'ble High Court, I hereby submit original statement of parties for its onward submission to the Hon'ble High Court.

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 is one accused person and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

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 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 feels 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.1074, dated 09.12.2017, under Sections 323, 325 and 506 of IPC, registered at Police Station Sadar Jhajjar, District Jhajjar and challan dated 12.01.2018 and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 17, 2022

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**(AMAN CHAUDHARY)
JUDGE**

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