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

CRM-M-8484-2021 (O&M)
Date of decision : 14.12.2022

Pardeep Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rahul Singh, Advocate for
Mr. Ankur Lal, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Sandeep Beriwal, Advocate for respondent Nos.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.163 dated 27.08.2016 registered under Sections 323, 34, 342, 354 (A)(1), 406, 498-A, 506 of the Indian Penal Code, 1860 at Police Station Kalayat, District Kaithal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 23.02.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case is taken up through video conferencing on account of COVID 2019.

By filing this petition, quashing of FIR No. 163 dated 27.8.2016 registered under Sections 323, 34, 342, 354 (A)

(1), 406, 498 A, 506 IPC at Police Station Kalayat, District Kaithal and other consequential proceedings arising therefrom qua petitioners has been sought on the basis of compromise.

Notice of motion.

Mr. Tapan Kumar, DAG Haryana and Mr. Sandeep Beriwal, Advocate accept notice on behalf of respondent No. 1 State and respondents No. 2 to 4 respectively.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 31.3.2021 or any other date convenient to said Court and get their statements recorded with regard to compromise. The original compromise shall be produced before the said court. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/ petitioners.*

Adjourned to 19.5.2021.

Sd/-(HARINDER SINGH SIDHU)

JUDGE

23.2.2021”

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

“5. From the statements of parties which is duly identified by their learned counsel, the undersigned is satisfied that compromise arrived at between the parties is genuine one. I

am of the considered view that the statements are being made by both the parties voluntarily and without any pressure of any kind. The compromise is genuine one and has been arrived at without any pressure of any kind whatsoever. It is further respectfully submitted that before recording the statements of parties. I have verified the identity of the parties from their respective counsels and their identity proof are also enclosed with this report. Statement of investigating officer is also recorded.”

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 offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for the petitioners has further submitted that petitioner No.1-Pardeep Singh and respondent No.2-Usha Rani had filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for divorce and vide judgment dated 12.07.2021 (Annexure P-4), they have been granted the decree of divorce.

Learned counsel for respondent Nos.2 to 4 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 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**”, 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.163 dated 27.08.2016 registered under Sections 323, 34, 342, 354(A)(1), 406, 498-A, 506 of the Indian Penal Code, 1860 at Police Station Kalayat, District Kaithal (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.

14.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No