

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-8661-2021
Decided on : 29.04.2022

Mahender Pal and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sumit Kalyan, Advocate for
Mr. Ramneek Vasudeva, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Gaurav Soni, Advocate
for respondent Nos. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 300 dated 10.10.2020 under Sections 186, 332, 506, 147 and
149 of the Indian Penal Code, 1860 registered at Police Station Nissing,
District Karnal (Annexure P-1) and all subsequent proceedings arising
on the basis of the compromise.

On 24.02.2021, a Coordinate Bench of this Court was
pleased to pass the following order:-

*“The case has been taken up for hearing
through video conferencing.*

The petitioners have filed present petition

under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.300 dated 10.10.2020 registered under Sections 186, 332, 506, 147 and 149 of the Indian Penal Code, 1860 in Police Station Nissing, District Karnal and all subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of respondent No.1-State. Mr. Gaurav Soni, Advocate has appeared on behalf of respondents No.2 to 4 and admits the factum of compromise and also undertakes to file his original power of attorney in the Registry.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 01.03.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before 07.05.2021 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. Current stage of the case.*

The trial Court/Illaq Magistrate is further directed to record the statement of the Investigating Officer as to how many

victims/complainants are there in the FIR.

The trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

Reply by respondent No.1-State be filed on the date of hearing fixed, if so desired.

Sd/-
(ARUN KUMAR TYAGI)
JUDGE”

24.02.2021

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Karnal to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“The present report is being prepared in pursuance of directions of the Hon'ble Punjab and Haryana High Court in Criminal Misc. M-8661 of 2021 passed by the Hon'ble Punjab and Haryana High Court vide which Hon'ble High Court has directed Trial Court to record the statements of the affected parties and report be sent accordingly before the next date of hearing i.e. 07.5.2021. Further, in compliance of the said order, the complainant as well as accused persons appeared before the court.

1. Statement of accused Mahender Pal, Tarsem Kumar, Pankaj Kumar, Surender, Suresh Kumar and Narsi Dass and complainant Subhash and Parveen Kumar (Annexure-1) has been recorded on solemn affirmation in which they stated that they have compromised the matter with each other voluntarily and without any fear or

pressure.

2. *After careful perusal of the statement given on solemn affirmation by the complainant as well as accused concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Therefore, this court is of the thoughtful opinion that the available material on record is in favour to reflect a valid compromise between the parties.*
3. *The total number of accused arrayed in FIR are six and all of them has appeared for making statement regarding compromise.*
4. *No one is proclaimed offender/absconding in the present case.*
5. *Further as per affidavits filed by accused persons, no criminal proceeding is pending against them.*
6. *The report under section 173 of Cr.P.C has not been filed by Investigating Agency.*

Therefore, the above mentioned facts and circumstances, as part of report are detailed for your honour's kind information, please.

Submitted please.”

A perusal of the above report and the accompanying statements would show that it has been stated that the statements of Complainants as well as the petitioners have been recorded in the case and they 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 the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 to 4 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 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 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. 300 dated 10.10.2020 under Sections 186, 332, 506, 147 and 149 of the Indian Penal Code,1860 registered at Police Station Nissing, 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 29th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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