

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M-7932-2022
Decided on : 04.04.2022

Sandeep Panwar and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Virender Soni, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Rakesh Dhiman, Advocate for
Mr. Rahul Singla, Advocate
for respondents No. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 673 dated 05.12.2021 under Sections 148, 149, 323, 342 and 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3 (1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) registered at Police Station Sector 32-33, Karnal, District Karnal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 10.03.2022, the following order was passed:-

“CRM-8137-2022

This is an application filed under Section 482 of

Cr.P.C. for preponement of the date of hearing in the main case from 24.08.2022 to an early date and also for placing on record the order passed by the Coordinate Bench of this Court in CRM-M-7931-2022 as Annexure P-9.

Notice in the application.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the non-applicant/State of Haryana and Mr. Rahul Singla, Advocate appears on behalf of respondent Nos.2 to 4 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 24.08.2022 to today.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 24.08.2022 to today.

Annexure P-9 is taken on record, subject to all just exceptions.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.673 dated 05.12.2021 registered under Sections 148, 149, 323, 342, 506 of the Indian Penal Code, 1860, Sections 3(1)(r), 3(1)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Sector 32-33, Karnal, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise. He has further submitted that since compromise has been effected between the parties, thus, they may kindly be directed to record their statements before the trial Court.

Adjourned to 04.04.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

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.”*

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:-

“On 24.03.2022 Dr. Navjot Panwar, Sandeep Panwar, Sunil Panwar appeared in Court and made separate statement to the effect that they have compromised the matter with Vikas, Sunil and Mukesh on panchayat basis, the compromise is voluntary, the FIR may be quashed. On 25.03.2022 the complainant Vikas appeared in Court and made statement to the effect that he has compromised the matter with Doctor Navjot, Doctor Sunil Panwar and Sandeep Panwar on panchayat basis, the compromise is voluntary, there is no objection if the case is finished. The parties were identified by their learned counsel.

Today investigation officer has submitted report in compliance of order dated 24.03.2022, he also made statement to the effect that there are three accused persons- Sunil Panwar, Sandeep panwar, Navjot; no other case is pending against them; none of them is proclaimed offender; there are 12 other accused persons but no proof of their involvement has been found; the complainant is Vikas S/o Kishan, there are two victims- Mukesh Kumar and Sushil Kumar. The compromise between the parties is genuine, voluntary. The original statement of the complainant, accused persons, statement of investigation officer alongwith his report, copy of daily order passed today are annexed herewith for kind perusal of the Hon'ble High Court.

Submitted please,”

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 respondents No. 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 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. 673 dated 05.12.2021 under Sections 148, 149, 323, 342 and 506 of the Indian Penal Code,1860 and Sections 3(1)(r), 3 (1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) registered at Police Station Sector 32-33, Karnal, 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 4th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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