

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CRM-M-8400-2022
Decided on : 24.03.2022

Parkashi and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Harsh Bhargava, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Ankur Pandey, Advocate
for respondent Nos. 2 to 4.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 176 dated 24.06.2021 under Sections 285 and 506 of the Indian Penal Code, 1860 and Sections 25 and 54 of the Arms Act, 1959 registered at Police Station Arya Nagar Rohtak, District Rohtak (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

When the matter came up before this Court on 25.02.2022, the following order was passed:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.176 dated 24.06.2021 registered under Sections 285, 506 of the Indian Penal Code, 1860 and Sections 25, 54 of the Arms Act, 1959 at

Police Station Arya Nagar Rohtak, District Rohtak 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.

Notice of motion for 24.03.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Ankur Pandey, Advocate appears on behalf of respondent Nos.2 to 4.

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, Rohtak to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“3. On 11.03.2022, file was put up as Complainant Raj Bala, Kalawati and Premo and Accused Parkashi, Nisha @Mukesh, Sandeep. Sahil, Paramjit @ Chhota and Amarjeet appeared

for getting recorded their statements before this Court. They have stated about their settlement/compromise and affirmed having no grievance against each other and have prayed for quashing of aforementioned FIR, with their free will and volition and without any pressure.

4. *Further, Investigating Officer HC Kuldeep, Belt No. 1885/Rtk. P.S. Arya Nagar, Rohtak, got recorded his statement that there are six persons namely Parkashi, Nisha @Mukesh, Sandeep, Sahil, Paramjit @ Chhota and Amarjeet, who are arrayed as Accused in present FIR. It is further submitted that said accused persons were not declared proclaimed offender at any stage of present FIR and said accused persons were not involved in any other case. It is also further submitted that in the present case, there are three victims i.e. Raj Bala, Kalawati and Premo.*
5. *Hence, in compliance of Orders of Hon'ble High Court, statement of parties have been duly recorded by this court and is being submitted.*
6. *It is submitted that I am satisfied that the matter has been settled between Complainant Raj Bala, Kalawati and Premo and Accused Parkashi, Nisha @Mukesh, Sandeep, Sahil, Paramjit @ Chhota and Amarjeet amicably/voluntarily, without any pressure or coercion and the compromise appears genuine on the face of record.*

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 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 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. 176 dated 24.06.2021 under Sections 285 and 506 of the Indian Penal Code,1860 and Sections 25 and 54 of the Arms Act, 1959 registered at Police Station Arya Nagar Rohtak, District Rohtak (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

March 24th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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