

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(277)

CRM-M-10197-2021

Date of decision: - 12.07.2022

Akash Gupta and another

....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ankit Aggarwal, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.514 dated 30.12.2020, registered under Sections 406 & 420 IPC and Sections 10 & 24 of the Immigration Act, at Police Station Ladwa, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise.

On 04.03.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

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

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 28.06.2021.

In the meanwhile, parties would appear before the Illaqa Magistrate on 16.03.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.

(RAJ MOHAN SINGH)
JUDGE

04.03.2021.”

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

“(i) Report with regard to validity and genuineness of the compromise.

In compliance of the aforesaid order, statement of accused Akash Gupta and Virender and complainant Bhupinder Singh were recorded, wherein they stated that they have compromised the matter voluntarily and now, there is no dispute between them and, therefore, FIR be quashed. Both the parties were also asked if they have entered the aforementioned compromise voluntarily and without any pressure or coercion, to which they answered in affirmative. Statements were made by them in the Court voluntarily. It is further submitted that the compromise effected between the parties is genuine and valid.

(ii) Antecedent behaviour of criminal activity of the accused.

As per the report submitted by the IO, one criminal case bearing FIR No.147 dated 11.07.2019 under Sections 406 and 420 IPC, PS Civil Line, Bathinda is pending against accused Akash Gupta and no other case is pending against accused Virender. Also, separate affidavits have been tendered by accused Akash Gupta and Virender, wherein accused Virender stated that no other case is pending against him, whereas, accused Akash Gupta stated that one criminal case bearing FIR No.147 dated 11:07.2019 under Sections 406 and 420 IPC, PS Civil Line, Bathinda is pending against him.

(iii) Number of accused persons involved in the present case and whether any of the accused has been declared proclaimed offender/person.

As per the report submitted by the 10, only two accused i.e. Akash Gupta and Virender were named in the present case. There was no other accused in the present case. None of the accused or any other person was declared proclaimed offender/person.

2. From the above, it is evident that the parties have arrived at compromise voluntarily and without any coercion.

Submitted by,

Dated: 31.03.2021 *(Tarun Chaudhary)*
Judicial Magistrate Ist Class,
Kurukshetra.
UID No.HR0469”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that the said fact is correct.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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, this petition is allowed and FIR No.514 dated 30.12.2020, registered under Sections 406 & 420 IPC and Sections 10 & 24 of the Immigration Act, at Police Station Ladwa, District Kurukshetra and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 12, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No