

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-10055-2022

Decided on : 10.05.2022

Inderjeet

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Surinder Sharma, Advocate for
Mr. Atul Yadav, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. J. S. Yadav, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 69 dated 31.07.2017 under Sections 354-A, 354-B and 506 of
the Indian Penal Code, 1860 registered at Police Station Jatusana,
District Rewari (Annexure P-1) and all subsequent proceedings arising
on the basis of the compromise.

On 09.03.2022, a coordinate Bench of this Court was
pleased to pass the following order:-

“Notice of motion.

*Mr. Sumit Jain, Addl. A.G., Haryana and
Mr. J. S. Yadav, Advocate accept notice on behalf
of respondent No.1 and respondent No.2,
respectively.*

*Learned counsel for the petitioner
undertakes to supply a complete set of the paper*

book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. The petitioner seeks quashing of FIR No.69 dated 31.07.2017 registered under Sections 354-A, 354-B and 506 IPC at Police Station Jatusana, district Rewari on the strength of a written compromise dated 21.02.2022 (Annexure P-2) entered into between the parties.

The petitioner as also respondent No.2 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 28.03.2022 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate/Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 10.05.2022.

09.03.2022

*Sd/-
(DEEPAK SIBAL)
JUDGE”*

In pursuance of the said order, a report has been submitted

by the additional Civil Judge (Senior Division)-cum-Sub Divisional Judicial Magistrate, Kosli to the Assistant Registrar (Criminal) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“4. Both the complainant and the accused has been identified by their respective counsels, namely Sh. Anil Yadav, Advocate for complainant and Shri Pawan Yadav, Advocate for accused. In the present case besides recording the statements of the parties, I have also personally enquired from each of the parties ie the complainant and the accused regarding the compromise and both of the parties have stated that they have voluntarily compromised the matter between them. So, in view of the statements made by the complainant Sonu and accused Inderjeet. I am of the opinion that the compromise have been arrived at between the parties voluntarily, without coercion and pressure. It is also submitted that no PO proceeding is pending in the present case against the accused.

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioner 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 petitioner has submitted that the

petitioner was not declared proclaimed offender in the present case and is 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 No. 2 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 69 dated 31.07.2017 under Sections 354-A, 354-B and 506 of the Indian Penal Code, 1860 registered at Police Station Jatusana, District Rewari (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 10th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No