

CRM-M-11215-2021

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

268

CRM-M-11215-2021

**Date of Decision: September 28, 2022**

**SUBHASH RAGHAV**

**...Petitioner**

**Versus**

**STATE OF HARYANA AND ANOTHER**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present:-** Mr. Abhimanyu Singh, Advocate  
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Deepam Ragav, Advocate  
for LR of respondent No.2.

**AMAN CHAUDHARY, J.(Oral)**

Present petition has been filed for quashing of FIR No.314, dated 30.09.2016, under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Bhondsi, District Gurugram and all other consequential proceedings arising therefrom on the basis of the compromise dated 27.01.2021 (Annexure P-2).

Notice of motion was issued on 10.03.2021 and both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise. Thereafter, legal heirs of complainant-Malti Devi (since deceased) had been added.

Learned counsel for the petitioner as well as respondents

submit that the FIR in question was lodged by Malti Devi complainant being the member of the society, who has since expired. She left behind two LRs namely Avdesh Kumar Raghav and Tarun Raghav, out of whom Tarun Raghav had appeared before the JMIC, Ist class, Sohna on 08.04.2022 in his capacity as President of the said society affirming the matter having been compromised amicably. As regards the report is concerned, learned counsel for the complainant submits that since the complaint was instituted by a member of the society, who happens to be the mother of the current President of the society, who has now affirms the compromise, there was no requirement of a statement to be made by Avdesh Kumar Raghav, who he states is neither a member of the society nor has any other concern with the society.

Relevant portion of the report reads thus:-

*“4. That regarding the query raised by this Hon'ble High Court vide order dated 04.08.2021 as to as to whether there are any other persons affected in the matter other than the respondent no. 2, ASI Ahmed Azeem, P.S. Bhondsi, Gurugram contacted the President and other office bearers of the Dal Plant Co-operative Society.*

*5. That the Dal Plant Co-operative Society has stated, vide letter dated 01.09.2021, that in the year 1991. Subhash Raghav was working against the benefits of the said society and his membership was terminated by the society with full majority. When he again tried to become the member, the President of the society got registered the case. The society office bearers further stated that Subhash Raghav has not embezzled any amount and there was dispute regarding his membership only. The copy of letter dated 01.09.2021 issued by the Dal Plant Co-operative Society is attached herewith*

Annexure R-1.”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed and the compromise effected between them is genuine, without any undue influence and coercion. None of the accused has been declared as proclaimed offender and none of them is involved in any other FIR.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.314, dated 30.09.2016, under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Bhondsi, District Gurugram and all other consequential proceedings arising therefrom on the basis of the compromise dated 27.01.2021 (Annexure P-2), and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

September 28, 2022  
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(AMAN CHAUDHARY)  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking: | Yes/No |
| Whether reportable:        | Yes/No |