

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

Sr. No.253

CRM-M-11337-2021

Date of Decision: September 21, 2022

Rohit and another

-----Petitioners

Versus

State of Punjab and another

----Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Virender Mandhan, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Surinder Singh Saini, Advocate
for respondent No.2.

AMAN CHAUDHARY, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0625, dated 16.11.2020 (Annexure P-1) under Sections 406 and 420 IPC registered at Police Station Thanesar Sadar, Kurukshetra, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of the compromise dated 07.01.2021 (Annexure P-2).

Notice of motion was issued on 12.03.2021 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.

Pursuant to the aforesaid order, report dated 20.05.2021 has been received from the Additional Judicial Magistrate, Kurukshetra. A perusal of the said report reveals that statements of the concerned persons i.e. complainant and petitioner No.2-Sukhbir Lather 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. It is stated in the report that there are two accused and one victim, who is the complainant. Moreover, the statement of another accused namely Rohit-petitioner No.1 could not be recorded as he has not appeared before the Trial Court. None of the accused has been declared as proclaimed offender and none of them is involved in any other FIR.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court titled as ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401***, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioners/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in ***CRM-M-16318-2018 titled as 'Dalip Mandal and another Vs. State of U.T., Chandigarh*** and others', in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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 F FIR No.0625, dated 16.11.2020 (Annexure P-1) under Sections 406 and 420 IPC registered at Police Station Thanesar Sadar, Kurukshetra, District Kurukshetra and all other consequential proceedings arising therefrom, are

quashed qua **petitioner No.2 only.**

(AMAN CHAUDHARY)
JUDGE

21.09.2022
Atul

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