

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10562-2022(O&M)
Decided on: 20.04.2022

Anita Goel and others

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Aman Bansal, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Ms. Mandeep Kaur, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 934 dated 08.08.2018 under Sections 452, 323, 506, 120-B and 34 of the Indian Penal Code, 1860 registered at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 14.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.934 dated 08.08.2018 registered under Sections 452/323/506/120-B/34 of the Indian Penal Code, 1860 at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-1) 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 20.04.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of three weeks.

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

“3. Statements of complainant Chunni Lal and twelve accused persons namely Anita Goel, Shilpi Goel, Santosh Gupta, Rajesh Goel, Hari Om, Subhash Goel, Sandeep Goel, Vijay Kumar, Vikas Goel, Radhe Shyam, Akash Goel and Divya Goel

regarding compromise recorded. Same are attached herewith. However, accused Maya Devi wife of Subhash Chand and Vinod son of Om Parkash Gupta have not appeared before the Court to get their statements recorded as they are stated to be seriously ill.

4. It is humbly submitted that I am satisfied that the compromise in the present case is genuine, voluntary and without any coercion or undue influence. However, it is pertinent to mention here that accused Maya Devi wife of Subhash Chand and Vinod son of Om Parkash Gupta have not appeared before the Court to get their statements recorded regarding compromise. It is further submitted that as per statement of SI Sulender Kumar 19-A (Investigating Officer), total fifteen persons were arrayed as accused in the present FIR and the names of accused were Anita Goel, Shilpi Goel, Santosh Gupta, Maya Devi, Rajesh Goel, Hari Om, Subhash Goel, Sandeep Goel, Vijay Kumar, Vikas Goel, Radhe Shyam, Aakash Goel, Divya Goel, Vinod Gupta and Sonu Gupta son of O.P. Gupta. However, challan was only presented against 14 accused persons namely Anita Goel, Shilpi Goel, Santosh Gupta, Maya Devi, Rajesh Goel, Hari Om, Subhash Goel, Sandeep Goel, Vijay Kumar, Vikas Goel, Radhe Shyam, Aakash Goel, Divya Goel, Vinod Gupta. In the present case none of the accused has been declared proclaimed offender and the accused persons are not involved in any other FIR. There is only one victim/complainant (i.e. Chunni Lal son of Sumer Chand) in the FIR.

5. Submitted please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as 12 of the petitioners 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.

As per the above-reproduced report, although the complainant has appeared in the present case and has re-affirmed the fact that the compromise is genuine and even 12 accused persons have also appeared but Maya Devi-petitioner No. 4 and Vinod- petitioner No. 14 could not appear on account of being seriously ill.

Learned counsel for the petitioners has reiterated that even the abovesaid petitioners are seeking quashing of the present FIR on the basis of compromise. It has further been 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 the abovesaid facts are correct.

Learned counsel for respondent No. 2-complainant has stated that she has no objection in case the entire FIR is quashed as the complainant has entered into compromise with all the petitioners including abovesaid respondent Nos. 4 and 14.

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. 934 dated 08.08.2018 under Sections 452, 323, 506, 120-B and 34 of the Indian Penal Code,1860 registered at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of, in view of the abovesaid order.

April 20th, 2022

Mehak

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No