

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(270)

CRM-M-10627-2022

Date of decision: - 11.10.2022

Dharampal alias Dharam Pal Arora and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Raman Goklaney, Advocate, for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Vineet Sachdeva, Advocate
for respondent No.2.

Mr. Rahul Arora, Advocate
for respondents No.3 and 4.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.715 dated 12.10.2021 registered under Sections 120 B, 379, 420, 467, 468 and 471 IPC, at Police Station Indri, District Kanral and all other consequential proceedings arising therefrom on the basis of compromise.

On 11.03.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“By filing this petition, quashing of FIR No. 715 dated 12.10.2021 registered under Sections 120 B, 379, 420, 467, 468, 471 IPC at Police Station Indri, District Kanral and other consequential

proceedings arising therefrom qua petitioners has been sought on the basis of compromise.

Notice of motion.

Mr. Saurabh Girdhar, AAG Haryana, Mr. Vineet Sachdeva, Advocate and Mr. Rahul Arora, Advocate accept notice on behalf of respondent No. 1 State, respondent No. 2 and respondents No. 3 and 4 respectively.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 22.3.2022 or any other date convenient to said Court and get their statements recorded with regard to compromise. The original compromise shall be produced before the said court. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/ petitioners.*

Adjourned to 18.7.2022.

(HARINDER SINGH SIDHU)
JUDGE

11.3.2022”

In pursuance of the said order, the report has been submitted by the Sub-Divisional Judicial Magistrate, Indri, to the Assistant Registrar (Criminal) of this Court. The relevant part of the report is reproduced hereinbelow:-

“Statements of complainant Sanjeev Khokhar and six accused and Settlement Ex.C1 perused which seems to be genuine and voluntarily in reveals that they have arrived an amicably settlement and compromise, voluntarily and without any pressure or coercion. Complainant has made oral settlement with accused Salil Narayan and Shiksha Narayan while he executed written settlement and

compromise Ex.CI with remaining accused. Compromise nature.

The original statements of the parties, Investigating Officer and copy of compromise and agreement Ex.C1 are being sent with the present report for your kind perusal.

Submitted please.

*(Diksha Dass Ranga)
Sub Divisional Judicial Magistrate,
Indri. 22.03.2022
UID No. HR-0311"*

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 as well as respondent No.2 have jointly submitted that in the present case, there are six accused i.e., petitioners No.1 to 4 and respondents No.3 and 4 and all the said six accused persons had got their statements recorded. It is further submitted that respondent No.2 is only a complainant in the present case, who has also got recorded his statement in respect of the compromise and has compromised the matter with all the six accused. It is also jointly prayed that the entire FIR against all the six accused persons be quashed as all the concerned parties have recorded their statements.

Learned State counsel has also reiterated the fact that there are six accused persons and there is one complainant.

A perusal of the report would show that all the six accused persons had given their statements in respect of the compromise.

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, complainant and respondents No.3 and 4. 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.715 dated 12.10.2021 registered under Sections 120 B, 379, 420, 467, 468 and 471 IPC, at Police Station Indri, District Kanral and all the subsequent proceedings emanating therefrom are ordered to be quashed.

October 11, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No