

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9159-2020

Date of decision:07.09.2022

Pawan Mittal

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Denesh Goyal, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.0167 dated 23.07.2019 registered under Sections 452, 506 IPC at Police Station Sector 14, Panchkula and all other consequential proceedings arising therefrom on the basis of compromise.

On 16.08.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.0167 dated 23.07.2019 registered under Sections 452, 506 IPC at Police Station Sector 14, Panchkula and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Mr. Praveen Bhadu, AAG, Haryana, appears on behalf of respondent no.1. Mr. Ajay Aggarwal, Advocate, appears on behalf of complainant-respondent no.2 and admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua

compromise within a period of 10 days.

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.*

Adjourned to 07.09.2022.

August 16, 2022

*(VIKAS BAHL)
JUDGE”*

In pursuance to the said order, a report has been submitted by Chief Judicial Magistrate, Panchkula. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

With all due reverence at my command I wish to submit that in compliance of order dated 16.08.2022 of Hon'ble Punjab and Haryana High Court in CRM-M-9159 of 2020, parties namely Sudesh and Pawan Mittal appeared in the court on 22.08.2022. Their statements were recorded regarding compromise. From the statements of the parties it appears that that they have genuinely compromised the matter, and the compromise is result of their free will, volition, Voluntary and without any coercion. Further compromise deed Ex.C1 has been duly signed by the complainant and accused namely Pawan Mittal. This is for your kind information and necessary action, please.

Thanking you,

Yours sincerely,

(Nitin Raj)”

A perusal of the above said report would show that the petitioner and complainant-respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be

voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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 petitioner 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.0167 dated 23.07.2019 registered under Sections 452, 506 IPC at Police Station Sector 14, Panchkula and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

07.09.2022
Ishwar

(VIKAS BAHL)
JUDGE

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