

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

300

CRM-M-8855-2020
Decided on : 19.07.2022

Vinay Madan

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Harmanpreet Kaur (Simmi), Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 320 dated 23.07.2018 under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860 registered at Police Station Ambala Cantt, District Ambala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 28.02.2020, a coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of the FIR along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties.

Notice of motion for 17.07.2020.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court

for recording their respective statements with regard to compromise/settlement on 20.04.2020.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties, on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- and,*
- (iii) Status of trial/proceedings,*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

February 28, 2020 *Sd/-
(HARI PAL VERMA)
JUDGE”*

In pursuance of the said order, a report has been submitted by the Additional Chief Judicial Magistrate, Ambala to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Thereafter, several notices have been issued to the parties and their counsel and on 09.07.2020 both the parties alongwith their counsels appeared before the court. The respondent no.2/complainant Shweta Madaan and petitioner/accused Vinay Madaan duly identified by their counsel appeared. Respondent no.2/Complainant Shweta Madaan has made a statement that she had filed a complaint before the Police Station Ambala Cantt upon which FIR No.320 dated 23.07.2018 was registered under Sections 323, 406, 498A and 506 IPC. P.S.

Ambala Cantt against her husband namely Vinay Madaan s/o Late Sh. Jugal Kishore, R/o H.No.2/C/2210/11, Hakikat Nagar, Saharanpur (UP). Thereafter, the matter was compromised with the intervention of respectable of both the parties voluntary and without any coercion or undue influence and they have filed a petition under Section 13-B of HMA before the Id. Principal Judge, Family Court, Ambala and on 16.09.2019 the divorce was granted by the court. Now, she does not want to pursue the present criminal case against Vinay Madaan and she has no objection if the above mentioned FIR is quashed. Her father-in-law Jugal Kishore had already passed away and there is no other accused in the present case except the petitioner i.e. Vinay Madaan and also there is no other complainant or effected/aggrieved person in the present FIR except herself)

xxx—xxx--xxx

In view of the above, it is respectfully submitted that the matter has been compromised between the parties with their free will & consent and without any pressure or coercion on either side as per the aforesaid statements and the compromise effected between the parties is genuine and valid.

Further, it is respectfully submitted that initially FIR was registered against five persons ie. Vinay Madan, Asha Madan, Jugal Kishore, Shivalik Khurana and Ravinder Khurana and during investigation accused Jugal Kishore had died and accused Asha Madan. Shivalik Khurana

and Ravinder Khurana were found innocent and as such challan u/s 173 Cr.P.C. was filed only against accused Vinay Madan. The case is pending for prosecution evidence. No accused is declared proclaimed offender in the present case.

Submitted please,”

A perusal of the above report would show that it has been stated that the statements of the complainant as well as the petitioner have been recorded in the case and they 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.

Learned counsel for the petitioner has further submitted that the petitioner was never declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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. 320 dated 23.07.2018 under Sections

323, 406, 498-A and 506 of the Indian Penal Code,1860 registered at Police Station Ambala Cantt, District Ambala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

19.07.2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No