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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11878-2022

Date of decision : 29.10.2022

Amrit Pal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mrigank Sharma, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Sehaj Mahajan, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.28 dated 02.02.2018 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Yamuna Nagar Sadar, District Yamuna Nagar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 27.07.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.28 dated 02.02.2018 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Yamuna Nagar Sadar, District Yamuna Nagar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, there are four accused persons, out of

*which, one accused has died and challan has been presented only against the present petitioner who has filed the present petition for quashing of abovesaid FIR on the basis of compromise and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected*

Notice of motion for 24.08.2022.

On asking of the Court, Mr. Anmol Malik, DAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Sahej Mahajan, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 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.”*

Thereafter, on 21.09.2022, the following order was passed:-

“As per the report of the Judicial Magistrate Ist

Class, Yamuna Nagar at Jagadhri, the petitioner has not appeared before the Court to record his statement.

Learned counsel for the parties has submitted that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 13.10.2022.

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

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.*

However, since the petitioner has not appeared before the Illaqa Magistrate/trial Court in spite of giving direction, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioner in the Punjab and Haryana High Court Employees' Welfare Association Fund, within a period of 10 days from today.

The trial Court shall only record the statements of parties on production of the receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the

present petition would be deemed to have been dismissed.”

In pursuance of the abovesaid order, a report dated 18.08.2022 has been submitted by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, as per which, the statement of the complainant to the effect that compromise has been entered into between the complainant and the present petitioner was recorded but the petitioner had not appeared before the trial Court. The petitioner has now appeared on 09.09.2022 and given statement in support of the compromise. The statement dated 18.08.2022 given by complainant-respondent No.2 in the present case before the JMIC, Jagadhri is reproduced hereinbelow:-

“Statements of Mohan Singh son of Shri Raj Singh resident of Village Tapu Kamalpur, Post Office Kalanaur, District Yamuna Nagar.

On S. A.

Stated that I being complainant has lodge the present FIR against accused Manish Kumar son of Manbir, Mohit, Jony both sons of Harish Dhiman resident of Village Khatuali, District Panchkula and Amrit Pal son of Sartaj Singh resident of Village Kot Bhalla, Pandori, P.S. Dinapur, District Gurdaspur, Punjab. I enter into a compromise with accused Amrit Pal in abovesaid FIR. Now there is no dispute and grievance against above-named accused Amrit Pal. I have also no objection in quashing the present FIR qua the above named accused Amrit Pal. I entered into this compromise voluntarily, without any coercion or undue influence.

RO& AC

Sd/- Mohan

Sd/- (Dr. Mohini)

JMIC.Jagadhri/18.08.2022”

The statement dated 09.09.2022 given by the petitioner, certified copy of which has been supplied today in the Court and the same is taken on record and marked as Mark 'A', is reproduced hereasunder:-

“Statement of Amit Pal son of Sh. Sartaj Singh, resident of Village Kot Bhalla, Gurdaspur, Punjab.

Stated that I entered into a compromise with complainant Mohan Singh, son of Sh. Raj Singh, resident of Village Tapu, Kamalpur, P.O. Kalanaur, District Yamuna Nagar, in the above said FIR. Now, there is no dispute and grievance against above named Mohan Singh(complainant). I entered into this compromise voluntarily, without any collusion or undue influence.

RO&AC

Sd/- Amritpal Singh

Sd/- (Dr. Mohini)

JMIC/Jagadhri/09.09.2022”

A perusal of above statements would show that respondent No.2 as well as petitioner have stated that compromise between both of them is genuine and bona fide. An amount of Rs.5000/-, as ordered vide order dated 21.09.2022, has already been deposited in the present case. There were initially four accused persons, out of which, one accused has died and two accused persons were declared as innocent and thus, effective proceedings are only against the present petitioner.

The Hon'ble Supreme Court in case titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** had held that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Learned counsel for the petitioner has submitted that the

petitioner was not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties. It is further prayed by learned counsel for respondent No.2 that FIR qua petitioner be quashed and the present petition be allowed.

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**”, reported as **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**”, reported as **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.28 dated 02.02.2018 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Yamuna Nagar Sadar, District Yamuna Nagar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

29.10.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**