

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M-13033-2022(O&M)
Decided on : 20.04.2022

Ghanshyam and others

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Satyawan Singh Nain, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Pardeep Panwar, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 38 dated 23.01.2022 under Sections 323, 341, 344, 365, 367, 506 and 34 of the Indian Penal Code, 1860 and Sections 3(1)(R), 3(1)(S), 3(2)(VA) of the SC/ST Act, 1989 registered at Police Station City Jind, District Jind (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 29.03.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.38 dated 23.01.2022 registered under Sections 323, 341, 344, 365, 367, 506 and 34 of the Indian Penal Code, 1860 and Sections 3(1)(R),

3(1)(S), 3(2) (VA) of the SC/ST Act, 1989 at Police Station City Jind, District Jind (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 and Mr. Pardeep Panwar, 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.”*

In pursuance of the said order, a report has been submitted by the Additional District & Sessions Judge, Jind to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“From the perusal of the above statements, it is

made out that the compromise is genuine, voluntarily and without any coercion or undue influence.

On 12.04.2022, Investigating officer Dharambir Singh, DSP, City, Jind appeared and suffered the statement as under :

"Stated that the present FIR was registered on the statement of Vikas s/o Kuldeep Kumar, r/o village Kansapur. District Yamunanar, Following four persons were arrayed as an accused in the present FIR namely:

- 1. Ghanshyam s/o Azad,*
- 2. Azad s/o Surajbhan, both residents of Hanuman Nagar, Jind.*
- 3. Satbir @ Satti s/o Jai Singh, r/o Saini Mohalla, Tohana.*
- 4. Kuldeep s/o Vakil Ram, r/o Sadhu Sahar, Ganganagar.*

None of the accused has been declared as proclaimed offender, all the accused have been arrested in this case and are on bail. The present accused are not involved in any other FIR. There is only one victim/complainant in the present matter.

From the statement of investigating officer, it is made out as under:

- 1. Four persons were arrayed as accused in this matter.*
- 2. No accused is declared as proclaimed offender.*
- 3. The accused are not involved in any other FIR.*
- 4. There is only one victim/complainant in the present matter.*

The report is submitted accordingly as directed and desired by the Hon'ble High Court.

This is for your kind information.

Thanking Your,”

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

Learned counsel for the petitioners has 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 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

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. 38 dated 23.01.2022 under Sections 323, 341, 344, 365, 367, 506 and 34 of the Indian Penal Code,1860 and Sections 3(1)(R), 3(1)(S), 3(2)(VA) of the SC/ST Act, 1989 registered at Police Station City Jind, District Jind (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	(VIKAS BAHL)
<i>Mehak</i>	JUDGE
Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No