

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12656-2022

Date of decision : 26.04.2022

Akhilesh Yadav and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sanjiv Kumar Yadav, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Shadab Ahmad, Advocate
for complainant-respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.287 dated 28.12.2019 registered under Sections 506 IPC (Sections 120-B, 387 IPC added later on) at Police Station Saha, District Ambala and all other consequential proceedings arising therefrom on the basis of compromise.

On 28.03.2022, 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.287 dated 28.12.2019 registered under Section 506 of the Indian Penal Code, 1860 (Sections 120-B/387 of IPC have been added later on) at Police Station Saha, District Ambala (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 26.04.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Shadab Ahmad, 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.*

(VIKAS BAHL)
JUDGE”

28.03.2022

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

“Further, in compliance of the said order, the complainant as well as accused person appeared before the Court.

- 1. Statement of complainant Sh.Mohan Kumar and accused Akhilesh Yadav and Aakash Pathak and (annexure-1) has been recorded on solemn affirmation in which they stated that they have compromised the matter with each other voluntarily and without any fear or pressure.*
- 2. After careful perusal of the statement given on solemn affirmation by the complainant as well as accused concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat,*

pressure or coercion. Therefore, this court is of the thoughtful opinion that the available material on record is in favour to reflect a valid compromise between the parties.

3. *After perusal of the case file, it is clear that no one is proclaimed offender/absconding in the present case. As per report under section 173 Cr.P.C accused Akhilesh Yadav and Aakash Pathak were arrayed as accused in the present case and except Mohan Kumar, there is no other complainant. As per their statement, accused are not involved in any other case. Statement of investigating Officer has also been recorded in this regard.*

Therefore, the above mentioned facts and circumstances, as part of report are detailed for your honour's kind information, please.

Submitted please.

*(Dr.Mukesh Kumar),
JMIC, Ambala
02.04.2022.”*

A perusal of the above said report would show that the petitioners and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders 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 petitioners.

Learned counsel for complainant-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.

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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.287 dated 28.12.2019 registered under Sections 506 IPC (Sections 120-B, 387 IPC added later on) at Police Station Saha,

District Ambala and all the subsequent proceedings emanating therefrom
are ordered to be quashed, qua the petitioners.

April 26, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

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