

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-13777-2021
Decided on : 11.05.2022

Sanjeev Kumar Rana

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sunil Kumar Tandon, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Aakash Juneja, Advocate
for respondent No. 2

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 47 dated 17.02.2021 under Sections 285, 323 and 506 of the Indian Penal Code, 1860 registered at Police Station Chhapar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 26.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.47 dated 17.02.2021, registered under Sections 285, 323, 506 IPC, 1860 at Police Station Chhapar, District Yamuna Nagar, along with all consequential

proceedings emanating therefrom, on the basis of compromise, Annexure P/2 dated 08.03.2021 as well as the decision of Hon'ble the Full Bench of this Court in Kulwinder Singh Versus State of Punjab 2007(3) RCR (Criminal) 1052.

Notice of motion.

Mr. Vivek Chauhan, Addl. A.G. Haryana, accepts notice on behalf of respondent No.1 and states that he does not wish to file reply in view of amicable settlement of the dispute amongst the parties vide compromise, Annexure P/2 dated 08.03.2021 as well as the judgment cited by learned counsel for the petitioner.

Mr. Aakash Juneja, learned counsel accepts notice and puts in appearance on behalf of respondent No.2 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of compromise, Annexure P/2 dated 08.03.2021 as well as the judgment cited by learned counsel for the petitioner.

Accordingly, in view of the position as noted above, the parties are directed to put in appearance before the learned Illaqa Magistrate/ Duty Magistrate concerned for recording of their statements in terms of compromise Annexure P/2 dated 08.03.2021 on 15.04.2021 or any other date thereafter, convenient to the learned Illaqa Magistrate/ Duty Magistrate concerned.

Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.

List on 12.05.2021.

Reply, if any, be filed in the meantime.

26.03.2021

*Sd/-
(B. S. Walia)
Judge”*

In pursuance of the above reproduced order, a report has been submitted by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhari to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

With due respect, it is humbly submitted that in pursuance of order dated 26.03.2021 passed by Hon'ble High Court in CRM-M 13777-2021, both the parties appeared before me being, Illaqa Magistrate. Both the parties have been heard in person and the statements of complainant namely Anil Kumar and accused namely Sanjeev Kumar Rana have been recorded by me being satisfied that the statements given by the parties are voluntary and without any coercion or undue influence. The information as required by the Hon'ble High Court is as under:

- 1. There is only one person namely Sanjeev Kumar Rana who has been arrayed as accused.*
- 2. The accused is not declared proclaimed offender in the present case. challan has not been presented till date and no cross case is pending between the parties as per statement of Investigating Officer namely ASI Raj Kumar.*

3. The compromise arrived at between the parties appears to be genuine, voluntary and without any coercion or undue influence.

Report is submitted please and oblige.”

A perusal of the above report would show that it has been stated that the statements of 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 submitted that the petitioner was not 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.

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 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. 47 dated 17.02.2021 under Sections 285, 323 and 506 of the Indian Penal Code,1860 registered at Police Station Chhapar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

May 11th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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