

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13878-2021
Decided on : 01.06.2022

Bharat and others

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Mohan Singh Chauhan, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Sumeet Singh Brar, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 376 dated 16.08.2020 under Sections 148, 149, 323, 324 and 506 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Mahesh Nagar, District Ambala (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:-

“Instant petition has been filed under Section 482 Cr.PC for quashing FIR No.0376 dated 16.08.2020 registered under Sections 148, 149, 323, 324 and 506 IPC and Section 326 IPC (added later on) registered at Police Station Mahesh Nagar District Ambala (Annexure P-1/T) and all consequential proceedings arising therefrom on the basis of compromise dated

20.03.2021 (Annexure P-2).

Notice of motion.

Mr. Sumeet Singh Brar, Advocate, has put in an appearance on behalf of respondent No.2 and admits the factum of compromise between the parties. He undertakes to file his power of attorney in the Registry of this Court.

Adjourned to 25.05.2021.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial court on 26.04.2021 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:

- i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will. The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Ambala to the Registrar General of this

Court. The relevant portion of the said report is reproduced hereinbelow:-

“Investigating Officer Balkar Singh, Sub Inspector, Police Station Mahesh Nagar reported to the effect that the instant case bearing FIR No.376 dated 16.08.2020 registered under Sections 148, 323, 324 and 506 read with Section 149 of IPC in Police Station Mahesh Nagar, was registered on the complaint of Mita Ram son of Charan Dass. There were eight persons namely Bharat, Neeraj, Manav, Azad, Abhi, Raghu @ Suraj. Birju and Suresh arrayed as accused in this case. During investigation of the case, Section 326 of IPC was added. Challan against accused Bharat and Neeraj has been filed and they are on bail in this case. Challan against remaining accused persons is yet to be filed. None of the accused has been declared as proclaimed offender/person in this case.

Case was at the stage of awaiting supplementary challan against the remaining accused.

From the statements of the parties, I am of the opinion that the compromise is genuine, voluntary and out of free will. Copies of statements of the parties and police report are enclosed here-with for kind consideration of the Hon'ble High Court, please.”

A perusal of the above report would show that it has been stated that the statements of Complainant as well as the petitioners 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 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners 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. 376 dated 16.08.2020 under Sections 148, 149, 323, 324 and 506 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Mahesh Nagar, District Ambala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

June 1st, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No