

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13180-2022
Decided on : 27.04.2022

Sukhbir Singh

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Shiv Kumar Rana, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. L. K. Gollen, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 495 dated 17.08.2019 under Sections 323 and 506 of the Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Suraj Kund, District Faridabad (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 30.03.2022, a Coordinate Bench of 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.495 dated 17.08.2019 registered under Sections 323 and 506 of the Indian Penal Code, 1860 (Section 325

of IPC has been added later on) at Police Station Suraj Kund, District Faridabad (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 27.04.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. L.K. Gollen, 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 Chief Judicial Magistrate, Faridabad to the Registrar General of

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

“Thus, pointwise reply, as sought by Hon'ble High Court, is as under:

- 1. Only one person named Sukhbir Singh has been arrayed as accused.*
- 2. No accused is declared proclaimed person in this case.*
- 3. Compromise is genuine and voluntary and without any coercion of undue influence.*
- 4. No other criminal case is pending against any of the accused.*
- 5. Investigating Officer of this case namely SI Naresh Kumar expired and so statement of Inspector/SHO Sohan Pal has been recorded, wherein he has submitted that there is only one victim/complainant in this case namely George Koshy.*

Copies of zimni orders as well as original statements of parties and report/statement of SHO/Inspector Sohan Pal are enclosed herewith for kind perusal of the Hon'ble High Court.

- 4. The requisite report is submitted herewith for information and necessary action.*

Thanking you.”

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 never 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, 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”*, 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. 495 dated 17.08.2019 under Sections 323 and 506 of the Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Suraj Kund, District Faridabad (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

April 27th, 2022

Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No