

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13164-2022

Date of decision : 26.04.2022

Harpal Singh and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Manish Soni, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Dharamvir Sharma, Advocate
for respondent nos.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.414 dated 25.11.2021 registered under Sections 419, 467, 468, 469, 471, 420, 120B, 506 IPC at Police Station Rajendra Park, District Gurugram and all other consequential proceedings arising therefrom on the basis of compromise.

On 30.03.2022, 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.414 dated 25.11.2021 registered under Sections 419, 467, 468, 469, 471, 420, 120-B, 506 of the Indian Penal Code, 1860 at Police Station Rajendra Park, District Gurugram (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. Dharamvir Sharma, Advocate appears on behalf of respondent Nos.2 and 3.

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.*

30.03.2022

**(VIKAS BAHL)
JUDGE”**

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

“Respected Sir.

With respect to FIR No. 414 of 2021, PS Rajendra Park, Gurugram, vide Order dated 30.03.2022 of Hon'ble Mr. Justice Vikas Bahl of Hon'ble Punjab & Haryana High Court, the parties were directed to appear before the Trial Court/Illaqa Magistrate for getting their statements recorded regarding the compromise reached between them. In furtherance of the said dircetions statements of parties viz of complainant Ramesh Chander Jain & Rupesh Jain and of accused Harpal Singh & Priya Rathee, duly identified were recorded. It has been verified that both the complainants and the accused persons have entered into compromise voluntarily without any coereion or undue influence and same is genuine. Further. the statement of I.O. ESI Ajit Kumar is also recorded to the effect that the present FIR was registered against 3 accused i.e. Harpal Kataria. Ravinder @ Kala & Priya

Rathee. The IO further stated that accused Ravinder @ Kala has expired. The IO further stated that none of the accused has been declared PO and they are not involved in any other case. The copies of the statements and order of this Court are attached herewith for onward transmission to the Hon'ble High Court.

Thanking you.

Yours sincerely.

*(Sunil Kumar)
Civil Judge (Jr. Divn.)-cum
Judicial Magistrate Ist Class.
Gurugram 25-4-22"*

A perusal of the above said report would show that the petitioners and respondent nos.2 and 3 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 respondents no.2 and 3 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

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.414 dated 25.11.2021 registered under Sections 419, 467, 468, 469, 471, 420, 120B, 506 IPC at Police Station Rajendra Park, District Gurugram and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

April 26, 2022.
Davinder Kumar