

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

255

CRM-M-10968-2020(O&M)
Decided on : 25.04.2022

Jtender

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vikas Lochab, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

VIKAS BAHL, J. (Oral)

CRM-34196-2021

Present application has been filed under Section 482 Cr.P.C.
for adding of Section 406 IPC in the present case.

Learned State counsel has pointed out that in the present case,
the FIR was initially registered under Section 506 IPC but subsequently
Section 406 IPC was also added.

Keeping in view the abovesaid facts and circumstances,
present application is allowed and Section 406 IPC is directed to be added
in the headnote as well as in the relief clause of the present petition.

Main Case

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 258 dated 11.05.2018 under Sections 506 of the Indian Penal

Code,1860 (Section 406 IPC added later on) registered at Police Station Sonipat, District Sonipat (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 16.07.2021, a Coordinate Bench of this Court was pleased to pass the following order:

“Vide order dated 07.04.2021, extension of time was granted to to the parties to get their statements recorded before the learned trial Court.

Now vide letter dated 06.05.2021, the learned Civil Judge (Senior Division), Sonapat has prayed for further extension of time for recording the statements of the parties as they could not appear before the court due to current pandemic situation.

Request made in the present application appears to be well founded. Accordingly, the same is accepted and further three weeks' time is granted to get the statements of the parties recorded before the learned trial court subject to the terms and conditions contained in order dated 16.03.2020. The learned trial Court shall ensure that the requisite report is submitted before the next date of hearing.

The parties are directed to appear before the learned trial Court on 05.08.2021. List on 19.08.2021.

CRM stands disposed of.

16.07.2021

*Sd/-
(SANT PARKASH)
JUDGE”*

In pursuance of the said order, a report has been submitted

by the Addl. Chief Judicial Magistrate Sonapat to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In these circumstances, it is concluded that the statements of the parties are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence and is valid one.

ii) In the abovesaid FIR No.0258/2018, PS Sadar, Sonapat, IO of the present case appeared and suffered a statement, which is Annexure III (Annexed herewith in original). As per statement of ASI Devender Singh No.1019/SPT, P.S. Sector-27, Sonapat, in the present case bearing FIR no.0258/2018 there is only one accused i.e. Jitender Sharma, there is no proclaimed offender in this FIR, there is no other case in his knowledge against the above-named accused and Sh. Sanjiv Kumar Gupta is the only victim/complainant in the present FIR No.0258/2018.

Submitted please.”

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.

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. 258 dated 11.05.2018 under Sections 506 of the Indian Penal Code,1860 (Section 406 IPC added later on) registered at Police Station Sonipat, District Sonipat (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise are ordered to be quashed, qua the petitioner.

April 25th, 2022
Mehak

(VIKAS BAHL)
JUDGE

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