

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

279

CRM-M-15293-2021(O&M)
Date of decision : 17.08.2022

HEMRAJ

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Chand Rana Olla, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ashok K. Sharma, Advocate
for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.76 dated 06.09.2005, registered under Sections 420, 468, 471 of the Indian Penal code at Police Station Babain, District Kurukshetra (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 24.03.2021 (Annexure P-2).

On 07.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition filed under Section 482 Cr.P.C. seeks quashing of F.I.R No.76, dated 06.09.2005, under Sections 420, 468, 471 of IPC, 1860 registered at Police Station Babain, District Kurukshetra (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Ld. Counsel for the petitioner refers to Compromise (Annexure P-2), and states that the matter has been amicably settled between the parties.

[3]. Notice of motion.

[4]. Mr. Anmol Malik, D.A.G., Haryana to accept notice on behalf of respondent No.1.

[5] At this stage, Mr. Ashok K. Sharma, Advocate has put in appearance and filed his Power of Attorney on behalf of respondent No.2- complainant and admits the factum of compromise.

[6]. Let requisite number of copies of the Paper-book be supplied to both the counsel.

[7]. In view of the matter, the parties shall appear before the Trial Court/Illaq Magistrate on 30.04.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

[8]. To await report, list on 09.07.2021.

(SUDIP AHLUWALIA)
JUDGE

07.04.2021”

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

“Report about the veracity of the compromise apart from informing the names and number of the accused involved:

It appears that the compromise arrived between the parties is genuine, voluntary and without any coercion and undue influence and with their own free will and for benefit of both the parties.

Further, in the present FIR, there is only one accused person namely Hem Raj, son of Bachan Singh, resident of Village Ram Saran Majra, District Kurukshetra. There is no other accused person in the present case. A report in this regard has also been filed by the SHO concerned. The same is hereby attached for the perusal of Your Lordship.”

A perusal of the above said report would show that the compromise in the present case has been found to be voluntarily, without any coercion or undue influence.

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

Learned counsel for respondent no.2-complainant 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 parties. He prayed that FIR and subsequent proceedings may be quashed.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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 feel that the same was 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, this petition is allowed and FIR No.76 dated 06.09.2005, registered under Sections 420, 468, 471 of the Indian Penal code at Police Station Babain, District Kurukshetra (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 24.03.2021 (Annexure P-2) are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

17.08.2022

Amandeep

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No