

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(272)

CRM-M-14863-2022

Date of decision: - 02.05.2022

Nanak Pal alias Pala Ram and others

....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Dhruv Gupta, Advocate,
for the petitioner.

Ms. Shivani Sharma, AAG, Haryana.

None for the complainant.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.514 dated 02.12.2021 registered under Sections 148/149/323/506 of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 08.04.2022, 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.514 dated 02.12.2021 registered under Sections 148/149/323/506 of the Indian Penal Code, 1860 at Police Station

Ambala City, District Ambala (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 02.05.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Ms. Poorva Gupta, 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, the report has been submitted by the Chief Judicial Magistrate, Ambala to the Registrar Judicial of this Court. The relevant part of the report is reproduced hereinbelow:-

"In view of the statement of the parties, Investigating Officer and the report of the Investigating Officer, my point wise report is as under :

"1. Number of persons arrayed as accused;

The accused named in the FIR were

- 1) Nanak Pal @ Pala Ram aged 47 years, son of Shri Sarwan Kumar,*
- 2) Tinku aged 22 years son of Shri Nanak Pal @ Pala Ram,*

- 3) *Sonu aged 29 ears son of Shri Nanak Pal @ Pala Ram, All residents of House No. 1940, Nahan House, Ambala City, District Ambala.*
- 4) *Rohini @Ronny aged 28 years son of Shri Rustam,*
- 5) *Sharukh Khan aged 29 years son of Shri Rustam,*
- 6) *Sunny aged 35 years son of Shri Rustam,*
- 7) *Salman aged 22 years son of Shri Rustam, All residents of House No.2538, Balmiki Basti, Ambala City, District Ambala.*
- 8) *Rohit aged 14 years son of Shri Bittu since minor represented through natural guardian/ mother Babita wife of Bittu, resident of House No.1940, Nahan House, Kuchband Mohalla, Ambala City, District Ambala.*
- 9) *Lala @Rinku son of Shri Nanak Pal @ Pala Ram, resident of House No.2538, Balmiki Basti, Ambala City, District Ambala.*

As per report of Investigating Officer, the accused No.1 Nanak Pal @ Pala Ram, No.2 Tinku, No.3 Sonu, No. 4 Rohini @ Ronny and No.5 Sharukh Khan were found to be involved in the crime. Remaining accused were found innocent during investigation.

Accused No. 9 Lala @ Rinku is not party to the petition before Hon'ble High Court. However, he has also compromised with complainant and got his statement recorded with respect to compromise Ex.C1.

2. ***Whether any seemed is proclaimed offender?***
None of the accused is proclaimed offender in this case
3. ***Whether the compromise is genuine, voluntary and with out any coercion or undue influence ?***
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?***
The accused persons are not involved in any other FIR
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. "***

As per statement of Investigating Officer, there is one complainant namely Suresh Kumar son of Shri Jai Raj, resident of House No.2221/1, Kuchband Mohalla, Nahan House, Ambala City, District Ambala and one victim/injured, who is son of the complainant namely Aditya (minor).

The report is accordingly submitted for the kind perusal of your lordship.

(Amberdeep Singh)

Chief Judicial Magistrate,

Ambala/21.4.2022 ”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any coercion or undue influence. A further perusal of the report would show that out of nine accused, four accused were declared to be innocent during investigation and accused No.9 Lala @ Rinku was also declared as innocent and although the said accused has not filed the present petition, but even he has got his statement recorded. Further, perusal of the statement of Aditya (minor son) annexed along with said report would also show that even he (minor son) had signed the statement with respect to compromise along with his father Suresh Kumar/respondent No.2.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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 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, this petition is allowed and FIR No.514 dated 02.12.2021 registered under Sections 148/149/323/506 of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No