

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

CRM-M-14264-2022

Date of decision:22.09.2022

Lalit Kumar and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sunil Kumar Dhanda, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Shashi Kant Singh, Advocate for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.158 dated 16.04.2019 under Sections 420,406,467,468,471,384, 506,201,120-B IPC, registered at Police Station Dabua, District Faridabad (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

- “1. Notice to respondents.*
- 2. Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana, waives service of notice on behalf of respondent No. 1-State.*
- 3. Mr. Shashi Kant Singh, Advocate, has put in appearance on behalf of respondents No. 2, and, has filed vakalatnama on behalf of respondent No. 2 in Court today, which is taken on record.*
- 4. Before proceeding to quash FIR No.158 of 16.04.2019 (Annexure P-1), registered at Police Station Dabua, District Faridabad, constituting therein offences under Sections 420, 406, 467, 468, 471, 384, 506, 201, 120-B of the IPC, it is*

deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondent No. 2, and, after recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).

5. The learned Illaqa Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.

6. The afore made report be ensured to be transmitted to this Court within three weeks.

7. For the afore purpose, list on 21.07.2022.

April 04, 2022

*(SURESHWAR THAKUR)
JUDGE”*

In pursuance to the said order, a report has been submitted by Civil Judge (Jr. Division)-cum-Judicial Magistrate 1st Class, Faridabad. The relevant portion of the said report is reproduced hereinbelow:-

“(vii) This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily and without any coercion or undue influence between the The Complainant namely Babu Khan and the Accused Persons namely Lalit Kumar, Parmod, Gulshan and Jaibir and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence.

The original statements of the complainant and the accused persons are enclosed herewith for the kind perusal of the Your Honour.

*Gaurav Khatana,
Judicial Magistrate 1st Class,
Faridabad, 08.04.2022
(UID NO.HR-0426)”*

A perusal of the above said report would show that the petitioners and complainant-respondent No.2 have appeared and 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 further 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 respondent No.2 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 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

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.158 dated 16.04.2019 under Sections 420,406,467,468,471,384, 506,201,120-B IPC, registered at Police Station Dabua, District Faridabad (Annexure P-1) along with all consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

22.09.2022
Ishwar

(VIKAS BAHL)
JUDGE

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