

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14522-2022

Date of decision:12.10.2022

Virender Bhadana

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Jasneet Mehra, Advocate for
Mr. Vijay Dahiya, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Ms. Sheena Khanna, 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.724 dated 01.12.2021, registered under Section 285 IPC and Section 25-54-59 of the Arms Act at Police Station Surajkund, District Faridabad (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

On 06.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 12.10.2022.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for

recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*
- (iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The report be submitted before this Court on or before the next date.

6.4.2022

*(GURVINDER SINGH GILL)
JUDGE”*

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

“....So, the pointwise reply, as sought by Hon'ble High Court, is as under:

- i. There is only one accused Virender Bhadana in this case, who is on bail.
- ii. There is only one complainant or affected/aggrieved party Devender Bhadana in this case.
- iii. No accused has been declared proclaimed offender in this case.
- iv. Compromise is genuine and voluntary.”

A perusal of the above said report would show that the petitioner 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 petitioner has further submitted that the petitioner was not declared proclaimed offender 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 petitioner.

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 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:-

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.724 dated 01.12.2021, registered under Section 285 IPC and Section 25-54-59 of the Arms Act at Police Station Surajkund, District Faridabad (Annexure P-1) along with all other consequential proceedings emanating therefrom are ordered to be quashed/set aside, qua the petitioner.

12.10.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No