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

CRM-M-17202-2021  
Date of decision : 15.09.2022

Ramesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Bhupender Singh, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Parveen Sharma, Advocate for respondent No.2.

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**VIKAS BAHL, J. (ORAL)**

Learned counsel for the petitioner, at the outset, submits that Section 384 of IPC has been added subsequently, therefore, the same has not been mentioned in the headnote and prayer clause of the petition and thus, has made an oral request that Section 384 of IPC may kindly be added in the headnote and prayer clause of the petition in addition to the Sections which have already been mentioned in the same.

Learned counsel for the State and the complainant have reiterated the fact that the abovesaid Section has been added subsequently.

In view of the above, Section 384 of IPC be added in the headnote and prayer clause of the petition.

Registry is directed to carry out the necessary corrections.

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.104 dated 05.06.2020 under Sections 406, 420 of IPC and Section 24 of Immigration Act, 1983, (Sections 370 and 384 of IPC have been added later on) registered at Police Station, Dhandh, District Kaithal (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise.

On 17.12.2021, this Court had passed the following order:-

**“CRM-42271-2021**

*This is an application under Section 482 of Cr.P.C. for preponing the date of the main case which is stated to be listed for 09.02.2022.*

*Learned counsel for the petitioner as well as respondent No.2 have jointly submitted that statements are to be recorded in the present case.*

*Learned counsel for the State has submitted that he has no objection in case the present application for preponement is allowed.*

*In view of the above, the present application is allowed and date in the main case is preponed from 09.02.2022 to today itself and the same is taken up on Board.*

**CRM-M-17202-2021**

*This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.104 dated 05.06.2020 under Sections 406, 420 of IPC and Section 24 of Immigration Act, 1983, registered at Police Station, Dhandh, District Kaithal (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 17.09.2020 (Annexure P-2).*

*Adjourned to 27.01.2022.*

*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 abovesaid order, a report has been submitted by the Sessions Judge, Kaithal. The relevant portion of the said report is reproduced hereinbelow:-

*“7. From conjoint reading of statement of complainant-Ompal and statement of accused-Ramesh Kumar recorded on 22.12.2021, it is fairly visible that: now compromise has been effected by the complainant-Ompal with accused-Ramesh Kumar, without any coercion or undue influence. Compromise appears to be the outcome of the self wisdom of complainant-Ompal and of accused-Ramesh Kumar.*

*8. In his statement, HC Parvesh Kumar, has given details of cases, in which accused-Ramesh Kumar has been indicted and found involved. Status of these cases, as per police record is also apparent from statement of HC Parvesh Kumar.*

*9. Only Ompal is complainant-victim in this case.”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has

been stated that the statements of the complainant as well as the accused have been recorded in the case and both 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 not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

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**”, reported as **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**”, reported as **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.104 dated 05.06.2020 under Sections 406, 420 of IPC and Section 24 of Immigration Act, 1983, (Sections 370 and 384 of IPC have been added later on) registered at Police Station, Dhandh, District Kaithal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

**15.09.2022**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:- Yes/No**

**Whether reportable:- Yes/No**