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

CRM-M-16091-2022 (O&M)

Date of decision : 02.08.2022

Shubham

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dev Kaushik, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Sankalp Gehlawat, 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.57 dated 19.02.2022 under Sections 307, 506 of the IPC and Section 25/54/59 of Arms Act, registered at Police Station Sector 6, Bahadurgarh, District Jhajjar (Sections 307 of IPC has been deleted later on and Section 285 of IPC has been added later on) and all consequential proceedings arising therefrom on the basis of compromise.

On 21.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Instant petition has been filed under Section 482 of Cr.P.C. for seeking quashing of FIR No.57 dated 19.02.2022 under Sections 307, 506 of the IPC and Section

25/54/59 of Arms Act, registered at Police Station Sector 6, Bahadurgarh, District Jhajjar and all consequential proceedings arising therefrom on the basis of compromise dated 31.03.2022 (Annexure P-2).

Notice of motion.

Mr. Ashish Yadav, Addl. A.G., Haryana, who is present in the Court, accepts notice on behalf of respondent-State.

Mr. Sankalp Gehlawat, Advocate appears and files power of attorney on behalf of respondent No.2 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 13.05.2022 or any other date convenient to the Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings;*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*
- (v) Whether the compromise has been effected with all the accused persons and with all the complainant(s)/injured.*

To come up for further consideration on 02.08.2022.

Response, if any, may also be filed by the State on or before the adjourned date.

21.04.2022

Sd/-(VINOD S. BHARDWAJ)

JUDGE ”

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

“Heard. In compliance of directions of Hon'ble High Court, the separate statements of complainant Amit Kumar and accused Shubham were recorded, wherein they have deposed that they have compromised in the instant case. Moreover, all the aforesaid parties concerned have categorically stated that they have compromised in the present case without any fear, duress or pressure. Statements recorded. Thereafter, statement of Investigating Officer ASI Rajesh Kumar, No.932, P.S.Sector-6, Bahadurgarh also recorded separately.

On the basis of aforesaid statements following report is submitted :

- (1) As per Investigating Officer, four accused Shubham is arraigned in present case FIR No.57 dated 19.02.2022. It is further submitted that no accused has been declared as proclaimed person in this case.*
- (2) The name of the complainant in this case is Amit Kumar and he has appeared before the Court and made his statement dated 17.05.2022, in support of compromise with accused.*
- (3) As per the record, the case is at the stage of investigation. Challan has not been submitted in this case.*
- (4) As per the respective statements, parties have compromised the matter out of their sweet will and the compromise is genuine, voluntarily and without any coercion or undue influence.*

The Requisite Report, Information sought, compromise deed and the original statements of the parties

is being submitted.

Sd/- (Khushboo Goel)
JMIC,
Bahadurgarh
UID No. HR-0372”

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 and there are no other cases pending against the petitioner. Learned counsel for the State, as per instructions has stated that these facts are 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.

Learned counsel for the petitioner and respondent No.2 have jointly submitted that in the present case, there is only one accused i.e. the present petitioner and in the abovesaid report, there is a typographical error at Sr. No.1 as words “four accused” have been mentioned. It is also submitted that the present case is a case of no injury and Section 307 of IPC has been deleted during the course of investigation and Section 285 of IPC

has been added subsequently.

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.57 dated 19.02.2022 under Sections 307, 506 of the IPC and Section 25/54/59 of Arms Act, registered at Police Station Sector 6, Bahadurgarh, District Jhajjar (Sections 307 of IPC has been deleted later on and Section 285 of IPC has been added later on) and all consequential 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.

02.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No