

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.241

CRM-M-27314-2018

Date of Decision: 05.09.2022

Madhav Sharma

...Petitioner

Versus

State of Haryana & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sandeep Sharma, Advocate,
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Sandeep Yadav, Advocate,
for respondent No. 3.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.373, dated 17.06.2017, under Sections 406, 420, 506 and 201 of the IPC, registered at Police Station Sector 5, Gurugram, and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 12.06.2018 (Annexure P-2).

On 04.07.2018, this Court had passed the following order:-

Heard.

Learned counsel for the petitioner submits that the matter has since been amicably settled vide compromise, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Mr. Lalit Kumar Yadav, Advocate, who is present in the Court, accepts notice on behalf of respondent No.2 and 3

and filed power of attorney.

Parties may appear before the trial Court on 06.08.2018 or on any other date convenient to the trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;*
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- (iii) whether any other proceeding is pending against the accused/petitioner.*

Report of trial Court be awaited for 15.10.2018.”

Pursuant to the aforesaid order, report dated 01.09.2018 has been received from Judicial Magistrate Ist Class, Gurugram. The relevant paragraph of the said report is as under:-

“In the present case, the only accused has been named in the FIR No.373, dated 17.06.2017, under Sections 406, 420, 506 and 201 of the IPC, is Madhav Sharm son of Shri Budh Dev. As per the report of the Police Station Sector -5 of Gurugram, the accused has not been found involved in other criminal cases and no other proceedings is also pending against the accused. The accused Madhav Sharma is on bail in the present case

This Curt is of the considered view that the compromise has been reached voluntarily between the parties and both the parties have made their statements voluntarily and without having any threat, inducement or pressure.

The original statements of the parties i.e. of the complainant and accused and the original compromise Ex.CW1/A are enclosed herewith for the kind perusal of the Your Honour.

*Naveen Kumar-1,
Judicial Magistrate Ist Class,
Gurugram
(HR-0461)”*

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there is only one accused person and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and no other case has been registered against the accused persons except the FIR in question.

I have heard learned counsel for the parties and have also gone through the case 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 complainants. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.373, dated 17.06.2017, under Sections 406, 420, 506 and 201 of the IPC, registered at Police Station Sector 5, Gurugram, and all other

consequential proceedings arising therefrom, is quashed qua the petitioners.

05.09.2022
monika

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes
Whether reportable:	No