

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CRM-M-17742-2022
Decided on : 30.05.2022

Lalita Aggarwal @ Sangita Aggarwal

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Deepak Aggarwal, Advocate
for the petitioners.

Mr. Praveen Bhadu, A.A.G., Haryana.

Mr. Rohit Gupta, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 142 dated 22.03.2012 under Sections 420, 406, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station Civil Lines, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

On 02.05.2022, this Court was pleased to pass the following order:

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.142 dated 22.03.2012 registered under Sections 420, 406, 506, 120-B IPC at Police Station Civil Lines, District Hissar, and all other consequential

proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 30.05.2022.

On the asking of the Court, Mr.Munish Sharma, AAG, Haryana, accepts notice on behalf of respondent no.1. Mr.Rohit Gupta, Advocate, appears on behalf of complainant-respondent no.2 and admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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 said order, a report has been submitted by the Judicial Magistrate 1st Class, Hisar to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“2. Complainant M/s Hisar Metal Industries Limited through its authorized person namely Trilok Verma

(Factory Manager) S/o Sh. Jagmal Singh (Resolution-Annexure A, employment letter Annexure-B and copy of Aadhar Card no. 3489-4480-4813 Annexure-C filed) duly identified by his counsel has suffered a statement to the effect that in the abovesaid FIR the matter stands compromised between the complainant company and accused Lalita. Cheated amount of Rs. 51 lakhs has been received from accused Lalita. He further stated that complainant company has compromised the matter voluntarily, without any pressure of any kind and complainant company does not want any action in the abovesaid FIR. Complainant company has no objection if the FIR is quashed.

xxx--xxx--xxx

5. With regard to the report sought by the Hon'ble High Court, it is most respectfully submitted that the undersigned is satisfied with regard to the genuineness and voluntariness of the compromise and that the same is not result of any pressure or coercion in any manner. Both the parties have suffered their separate statements regarding their compromise voluntarily. As per the statement of the 10 ASI Sarajuddin and record of the case, two persons namely Lalita Aggarwal @ Sangita Aggarwal and her husband Sachin Mittal had been arrayed as accused in the present FIR. Both the accused named above had been declared proclaimed persons vide order dated 23.01.2013 passed by Sh. Hemant Yadav, the then Id. JMIC, Hisar. However, subsequently accused Lalita had been arrested in the instant case and accused Sachin Mittal is still absconding. Further as per the report of the IO accused Lalita Aggarwal @ Sangita Aggarwal has 4 other cases registered against her details of which are as follows:

(a) FIR no. 366/14.11.2021, under Section-174-A IPC, PS Urban Estate, Hisar

(b) FIR no. 367/14.11.2021, under Section-174-A IPC, PS Urban Estate, Hisar.

(c) FIR no. 400/04.12.2021, under Section-174-A IPC, PS Urban Estate, Hisar.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioner 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. Merely the fact that the petitioner is involved in other cases also, would not come in the way of quashing of the present FIR on the basis of compromise.

As per the FIR, there are two accused in the present case but the present petition has been filed by one accused only i.e. the present petitioner and the compromise has been effected with them and a prayer has been made by counsel for the petitioner as well as the counsel for respondent No. 2 that the FIR be quashed qua the present petitioner.

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

Learned counsel for respondent No. 2 has again reiterated that the matter has been settled with the petitioners and the said compromise is in the interest of all the persons and would help in bring out peace and amity between the 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:-

“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. 142 dated 22.03.2012 under Sections 420, 406, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station Civil Lines, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the present petitioner.

(VIKAS BAHL)
JUDGE

May 30th, 2022
Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No