

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17832-2022
Decided on : 20.05.2022

Urmila and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vivek Khatri, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Dharampal, Advocate
for respondent Nos. 2 and 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 69 dated 07.02.2018 under Section 379 of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984 registered at Police Station Tosham, District Bhiwani (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 29.04.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.69 dated 07.02.2018 registered under Section 379 of the Indian Penal Code, 1860 and under Section 3 of

the Prevention of Damage to Public Property Act, 1984 at Police Station Tosham, District Bhiwani (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 20.05.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Dharampal, Advocate appears on behalf of respondent Nos.2 and 3.

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 above order, a report has been submitted by the Sub Divisional Judicial Magistrate, Tosham to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“5. In view of the above statements of the parties named above, this Court is of the opinion that compromise between the parties is genuine, voluntary and result of free consent and without any coercion and undue influence. It is also submitted that as per the final report filed under Section 173 of Cr.P.C. and the statement of the Investigating Officer HC Rajesh, there are three accused persons in this case who are Urmila wife of Sombir, Sombir son of Hawa Singh and Karambir son of Rajbir, all residents of Village Kharkhari Sohan, Tehsil Tosham, District Bhiwani.

As per the statements of the petitioners no. 1 to 3 (accused persons) as well as the Investigating Officer, none of the accused persons has been declared proclaimed offender in this case as well as in any other case. As per the statement of the petitioners no. 1 to 3 and the Investigating Officer, none of the accused persons is involved in any other FIR and no other case except the present case is pending against them. In his statement, the Investigating Officer HC Rajesh has also stated that there are two victims in this case and one is the complainant (respondent no. 2) Mukesh Kumar son of Ram Parsad and other is his brother namely Dinesh

*son of Ram Parsad, resident of Village Kharkhari
Sohan, Tehsil Tosham, District Bhiwani.*

6. *Hence, the report is submitted alongwith
the original statements of the parties and HC
Rajesh (10) above named.*

7. *It is requested that the report alongwith the
documents be placed well in time before Hon'ble
Justice Vikas Bahl, Judge of Hon'ble Punjab &
Haryana High Court at Chandigarh on or before
20.05.2022 for the kind perusal.*

Submitted please,”

A perusal of the above report would show that the statements of both the parties have been recorded in the case and they 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 statements of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioner were declared proclaimed offender in the present case and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent Nos. 2 and 3 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and

has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 69 dated 07.02.2018 under Section 379 of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984 registered at Police Station Tosham, District Bhiwani (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

May 20th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No