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

CRM-M-19111-2022

Date of decision : 19.10.2022

Sohit

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.148 dated 25.02.2022 registered under Sections 147, 149, 323, 341, 427, 506 of the Indian Penal Code, 1860 at Police Station Samalkha, District Panipat and all the subsequent proceedings arising therefrom on the basis of compromise.

On 13.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioner facing trial in FIR No.148 dated 25th February, 2022, registered for offences punishable under Sections 147, 149, 323, 341, 427, 506 of the Indian Penal Code at Police Station Samalkha, District Panipat.

Ld. Counsel for the petitioner contends that the

matter already stands compromised vide Compromise Deed dated 29th April, 2022 (Annexure P-2).

Notice of motion for 28th July, 2022.

On the asking of the Court, Mr. Ashok S. Chaudhary, Addl. Advocate General, Haryana accepts notice on behalf of respondent No.1/State.

Mr. Anil Dutt, Advocate appears and accepts notice on behalf of respondent No.2 and filed his Power of Attorney today in Court, which is taken on record. He admits the fact of there being a compromise between the parties.

In view the fact that the parties have already settled their dispute, they are directed to appear before learned Illaqa Magistrate/Trial Court on 8th July, 2022.

On their doing so, the learned Illaqa Magistrate/Trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

- 1. Number of persons arrayed as accused in the FIR.*
- 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 case 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.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/Trial Court shall be at liberty to call the parties on any other date but not later than a week

thereafter.”

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

“2. It is submitted that the complainant and accused both have made separate statements (copies attached) in support of compromise. It is further submitted that as per statements of parties, the compromise is genuine, voluntary, without any coercion & undue influence and come out of their free will.

3. It is further submitted that as per statement (copy attached) of investigating officer, that there is only one accused namely Sohit son of Shamsheer Singh is arrayed as an accused in present FIR. No any accused is declared proclaimed offender in this FIR. It is stated that no any accused person of FIR is involved in any other case. It is further stated that there is only one victim/complainant namely Ajay son of Anoop Singh in present case. Report is submitted for kind perusal of the Hon'ble Punjab & Haryana High Court, Chandigarh. I shall be highly obliged.”

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.

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.148 dated 25.02.2022 registered under Sections 147, 149, 323, 341, 427, 506 of the Indian Penal Code, 1860 at Police Station Samalkha, District Panipat 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.

19.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No