

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CRM-M-19998-2022

Decided on : 01.06.2022

Vinod and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sushil K. Sharma, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Vijay Kumar, Advocate
for respondents No. 2 to 4.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 405 dated 25.08.2019 under Sections 148, 149, 323, 354-A, 365, 379-A and 452 of the Indian Penal Code, 1860 (Sections 354-A, 379-A and 452 IPC were deleted and Sections 341 and 367 IPC were added later on) registered at Police Station Tosham, District Bhiwani (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 11.05.2022, 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.405 dated 25.08.2019 registered under Sections 148, 149, 323, 354-A, 365, 379-A and 452 of the Indian Penal Code, 1860 (Sections 354-A and 379-A and 452 have been deleted and Sections 341 and 367 IPC have been added later on) at Police Station

Tosham, District Bhiwani and all the subsequent 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 asking of the Court, Mr. Anmol Malik, DAG, Haryana appears and accepts notice on behalf of respondent-State and Mr. Vijay Kumar, Advocate appears on behalf of respondents Nos.2 to 4.

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 Additional Sessions Judge, Bhiwani to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“I have the honour to submit that in compliance of order dated 11.05.2022 in aforementioned CRM-M-19998-2022 passed by Hon'ble Mr. Justice Vikas Bahl, Judge Punjab and Haryana High Court, Chandigarh, SI Suresh Kumar, who is Investigating Officer of case, complainant Shakuntala and injured Sanjay and Babribhan as well as accused persons have appeared before undersigned. The undersigned has personally interacted with parties and parties have shown their willingness to compromise the matter. After ensuring that the compromise is voluntarily and free from coercion and force, separate statements of parties qua compromise are recorded. Original statements of the parties are enclosed herewith.

The report as desired is following:

*i) The FIR was registered against six persons (one was juvenile) but challan is submitted against them namely **Pardeep @ Maharaj, Ram Bhagat, Vinod, Ranbir @ Ranvir Singh and Pardeep son of Balbir** and they (except child in conflict with law Karan) have appeared and made statement as detailed above whereas Enquiry against child in conflict with law has already been disposed of by learned Principal Magistrate Juvenile Justice Board, Bhiwani as per copy of order dated 10.05.2022.*

ii) No accused is proclaimed offender in the present case.

iii) In the considered opinion of this court, the compromise is genuine, voluntary and without any coercion or undue influence.

*iv) Only one criminal case against **accused Ranbir @ Ranvir Singh** bearing FIR No.1026/2017 under Section 25 of Arms Act PS Sadar, Kamal, is pending in District Courts, Kamal in the court of learned ACJM, Kamal for 06.06.2022.*

*Only one criminal case against **accused Pardeep son of Balbir** bearing FIR No.295/2016 under Section 379/420/120B IPC and under Section 11 of Animal Cruelty Act PS Thanesar, Kurukshetra, is pending in District Courts, Kurukshetra in the court of Ms. Monika Khanagwal, Ld. JMIC, Kurukshetra for 08.06.2022.*

The report is submitted for your honour's kind information and necessary action.”

A perusal of the above report would show that it has been stated that the statements of Complainant/victims as well as the petitioners 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 statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated

that the abovesaid fact is correct.

Learned counsel for respondent Nos. 2 to 4 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. 405 dated 25.08.2019 under Sections 148, 149, 323, 354-A, 365, 379-A and 452 of the Indian Penal Code,1860 (Sections 354-A, 379-A and 452 IPC were deleted and Sections 341 and 367 IPC were added later on) 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.

June 1st, 2022
Mehak

(VIKAS BAHL)
JUDGE

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