

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(275)

CRM-M-20002-2022

Date of decision: - 22.09.2022

Pankaj and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sumit Sangwan, Advocate, for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Mohit, Advocate
for Mr. Vikrant Rana, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

It has been brought to the notice of this Court that Sections 325 and 201 IPC have been added later in the present case on and an oral request has been made by learned counsel for the petitioners that the said sections be added in the head-note and prayer clause of the present petition.

The above-said request of learned counsel for the petitioners is allowed and Sections 325 and 201 IPC are ordered to be added in the head-note and prayer clause of the present petition. The Registry is directed to carry out the necessary rectification at the appropriate places.

This is a petition under Section 482 Cr.P.C. praying for

quashing of FIR No.184 dated 01.04.2022, registered under Sections 147, 149, 323, 379-B and 506 IPC (Sections 325 and 201 IPC have been added later on), at Police Station Bhiwani Sadar, District Bhiwani and all other consequential proceedings arising therefrom on the basis of compromise.

On 30.08.2022, 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.184 dated 01.04.2022, registered under Sections 147, 149, 323, 379-B and 506 IPC, at Police Station Bhiwani Sadar, District Bhiwani and all other consequential proceedings arising therefrom on the basis of compromise.

In compliance of order dated 11.05.2022 passed by a Co-ordinate Bench of this Court, learned State counsel has pointed out that the mobile phone was recovered from petitioner No.4.

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

Notice of motion for 22.09.2022.

On the asking of the Court, Mr. Dhruv Sihag, AAG, Haryana, accepts notice on behalf of respondent No.1 and Mr. Vikrant Rana, Advocate, appears and accepts notice on behalf of 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 15 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.*

August 30, 2022

**(VIKAS BAHL)
JUDGE"**

In pursuance of the said order, the report has been submitted by the District & Sessions Judge, Bhiwani to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

"3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

It is submitted that Amit, the victim/complainant, as well as accused Pankaj, Naman, Ashu, Bhisham alias Banti and Nityan and alias Neta have appeared before this Court and they have made above mentioned statements regarding the compromise arrived at between them.

After hearing the parties and going through the statements made by them, this Court is of the view that the parties have arrived at an amicable settlement and the compromise is genuine, voluntary and without any coercion or undue influence. Original statements made by the parties and the investigating officer before this court on 08.09.2022 are annexed herewith for kind perusal.

xxx-----xxx-----xxx

5. *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are therein in the FIR.*

As per the statement made by SI Bhushan Kumar, the investigating officer and after going through the case file, it is submitted that Amit son of Sh. Jogender Singh, resident of Goripur, District Bhiwani is the only victim/complainant in the present case arising out of FIR No.184, dated 01.04.2022, registered under Sections 147,149,323,379-B and 506 of the Indian Penal Code, 1860 at Police Station Sadar, Bhiwani (Sections 325 and 201 IPC were added lateron)."

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case

the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing 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 learned trial Court, this Court finds that the matter has been amicably settled between the petitioners 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, this petition is allowed and FIR No.184 dated 01.04.2022, registered under Sections 147, 149, 323, 379-B and 506 IPC (Sections 325 and 201 IPC have been added later on), at Police Station Bhiwani Sadar, District Bhiwani and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

September 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No