

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21275-2022(O&M)

Date of decision : 21.07.2022

Rajbir Chhikara and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Pawan Kumar Hooda, Advocate for
Mr. Sankalp Gehlawat, Advocate
for the petitioners.

Mr.Anmol Malik, DAG, Haryana.

Mr.Saurabh Dalal, Advocate
respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.0209 dated 13.03.2018 registered under Sections 323, 34, 506 IPC at Police Station Sonipat City, District Sonipat and all other consequential proceedings arising therefrom on the basis of compromise.

On 07.07.2022, 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.0209 dated 13.03.2018 registered under Sections 323, 34, 506 IPC at Police Station Sonipat City, District Sonipat and all other consequential 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.

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.*

Adjourned to 21.07.2022.

July 07, 2022”

In pursuance to the said order, a report has been submitted by the Chief Judicial Magistrate, Sonapat. The relevant portion of the said report is reproduced hereinbelow:-

“ In these circumstances, it is concluded that the statements of the parties are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence and is valid one.

ii) In the abovesaid FIR No. 209 dated 13.3.2018 under Sections 323, 34, 506 of IPC, PS City, Sonapat. IO of the present case appeared and suffered a statement, which is Annexure-IV (Annexed herewith in original). As per statement of I.O./ SI Ranbir Singh no. 9, Spt, PS City, Sonapat, in the present case bearing FIR No. 209 dated 13.3.2018 under Sections 323, 34, 506 of IPC, PS City, Sonapat, there are two accused namely Ritu Singh and Rajbir Singh arrayed in the present FIR. There is no other case registered against them in her knowledge and Pardeep Kumar is the only victim/complainant in the present FIR. There is no proclaimed person in FIR No. 209 dated 13.3.2018.

Submitted please.

Yours faithfully,

(Arvind Kumar)
Chief Judicial Magistrate,
Sonepat.
(UID no.HR0257) ”

A perusal of the above said report would show that the petitioners and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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 two 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 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.”

Keeping in view of the above said facts and circumstances, this petition is allowed and FIR no.0209 dated 13.03.2018 registered under Sections 323, 34, 506 IPC at Police Station Sonipat City, District Sonipat and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Pending miscellaneous application, if any, stands disposed of in view of the above said order.

July 21, 2022.

Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No