

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23752-2021

Date of decision : 22.07.2022

Jatin and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Bhavdeep Singh Mamli, Advocate
for the petitioners.

Mr.Anmol Malik, DAG, Haryana.

None for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.0038 dated 09.03.2021 registered under Sections 148, 149, 323, 325, 506 IPC at Police Station Radaur, District Yamuna Nagar and all other consequential proceedings arising therefrom on the basis of compromise.

On 22.04.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“CRM-6990-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State, whereas Mr. Ajay Chaudhar, Advocates accepts notice on behalf of respondent No.2 and do not oppose the prayer.

Application is allowed and the date of hearing is pre-poned

to today.

CRM-M-23752-2021

The private parties are directed to appear before the trial Court/Illaqa Magistrate on or before 20.05.2022 for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate 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 in 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.*

Adjourned to 22.07.2022.

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

22.04.2022

**(MANOJ BAJAJ)
JUDGE”**

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

“4. It is submitted that I am satisfied that the matter has been settled between the parties amicably/voluntarily. Thus, the compromise in the present case is genuine, voluntary and without any coercion or undue influence It is further submitted that as per statement of HC Sandeep Kumar no. 43, Yamuna Nagar, nine accused persons namely Jatin son of Devi Chand, Vipul son of Naresh, Ritik son of Randhir, Rajat son of Rajesh, Prince son of Harkesh @Rakesh, Abhishek son of Jaswant, Abhilash son of Jaswant, Ajay @ Bunty son of Dharambir and Abhishek son of Vinod Kumar were arrayed as accused in the present FIR. In the present case, none of the accused has been declared proclaimed offender. The accused persons are not involved in any other case. There is only one victim/complainant namely Abhishek son of Gurdeep Singh in the FIR.

5. Submitted please.

(Sumit Kumar Saini),
Judicial Magistrate First Class,
Jagadhri/11.07.2022 ”

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.

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.0038 dated 09.03.2021 registered under Sections 148, 149, 323, 325, 506 IPC at Police Station Radaur, District Yamuna Nagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 22, 2022.
Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No