

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-M-22223-2022

Decided on : 02.06.2022

Peetambar Singh Rawat and others

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Navmohit Singh, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Daksh Uppal, Advocate for
Mr. Ashutosh Kaushik, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 184 dated 25.4.2022 under Sections 338 and 34 of the Indian Penal Code, 1860 registered at Police Station Gadpuri, District Palwal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 23.05.2022, 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.184 dated 25.04.2022 registered under Sections 338, 34 of the Indian Penal Code, 1860 at Police Station Gadpuri, District Palwal and all the subsequent 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.

Notice of motion for 02.06.2022.

On asking of the Court, Mr. Vikrant Pamboo, DAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Ashutosh Kaushik, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 7 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 Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Palwal to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“3. Report in original regarding the compromise between the parties are being sent to the Hon'ble High Court for kind perusal and further necessary action as

required by the Hon'ble High Court vide order 23.05.2022. The copies regarding the compromise and the statements of both parties placed on the case file for further record. It is also pertinent to mention here that the compromise entered into between the present parties appears to be genuine and authentic and entered into with their free will and consent and without any fear or pressure of any kind from any corner. Moreover, it is also pertinent to mention here that in the present case file there are only three accused persons namely Peetamber Singh, Banpreet Singh and Navteej Singh. There is no other complainant except Bhupender Singh. Only affected party left is the State to whom opportunity was given to say something but to no avail.

The report is hereby submitted for your honours kind perusal and necessary action as your honour may deem fit.

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of Complainant 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 and are not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are correct.

Learned counsel for respondent No. 2 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. 184 dated 25.4.2022 under Sections 338 and 34 of the Indian Penal Code,1860 registered at Police Station Gadpuri, District Palwal (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

June 2nd, 2022
Mehak

(VIKAS BAHL)
JUDGE

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