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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24755-2021

Date of decision : 06.04.2022

Munish Kumar Gulati

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Barjesh Kumar Sharma, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Deepak Gupta, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.114 dated 06.09.2020 registered under Sections 406, 420, 506 of the Indian Penal Code, 1860 and Sections 10 and 24 of the Immigration Act, at Police Station Krishan Gate, Thanesar, District Kurukshetra (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 08.03.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.114 dated 06.09.2020 registered under Sections 406, 420, 506 of the Indian Penal Code, 1860 and Sections 10 and 24 of the Immigration Act, at Police Station Krishan Gate, Thanesar, District Kurukshetra (Annexure P-1) and all the subsequent proceedings arising therefrom on the

basis of compromise.

*Learned counsel for the petitioner and respondent No.2 have submitted that in the present case, out of three accused persons, compromise has been effected only with the present petitioner and the present case is a case of partial compromise and have relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401**.*

List on 06.04.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two weeks.

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

“Sir,

With reference to the subject cited above, I have the honour to submit that in pursuance of order dated 08.03.2022 passed by the Hon'ble Punjab and Haryana High in CRM-M No.24755-2021, parties i.e. complainant/victim Vishwajeet and accused Munish Kumar appeared before the Court of

undersigned on 15.03.2022, on which date they made statement separately that they have compromised the matter. Complainant Vishwajeet stated that he does not want to pursue the proceedings against the accused namely Munish Kumar. The parties were also orally questioned. by the undersigned regarding genuineness and validity of the compromise and they stated that they have entered into the compromise voluntarily by their own free will. Both the parties were identified by their counsel, respectively. After going through the statements of the parties, I am of the view that parties have actually entered into a compromise by their free-will. and the said compromise is genuine.

Statement of ASI Sushil Kumar, No.297, P.P. Subhash Mandi, Kurukshetra has been recorded separately to the effect that FIR No.114 dated 06.09.2020 under Sections 406, 420 and 506 of IPC and Section 10 & 24 of Immigration Act, 1983, Police Station, Krishna Gate, Thanesar has been registered against the accused persons namely Sonu and Preet Singh. Accused Munish Kumar was arrested after recording disclosure statement of accused persons Sonu and Preet Singh. Final report under Section 173 Cr.P.C. has been filed before the Court against accused persons namely Munish Kumar and Sonu. Supplementary challan against accused Preet is pending. No person has been declared proclaimed offender in the present FIR. Except the present FIR, no FIR is pending against accused Munish Kumar. One victim/complainant is there in the FIR.

Copy of the statements of the parties is enclosed herewith.

Thanking you,

Yours faithfully

Sd/- (Sandeep Kaur)”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been

stated that the statements of the complainant as well as the accused have been recorded in the case and both 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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and there are no other cases pending against the petitioner. Learned counsel for the State, as per instructions has stated that these facts are 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 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 petitioner 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**”, reported as **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”, reported as 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.114 dated 06.09.2020 registered under Sections 406, 420, 506 of IPC and Sections 10 and 24 of the Immigration Act, at Police Station Krishan Gate, Thanesar, District Kurukshetra (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

06.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No