

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

288

CRM M-24511 of 2022

Date of Decision: July 26, 2022

Surinder Singh

...Petitioner

Vs.

State of Haryana & another

...Respondents

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present : Mr. Arshdeep Singh, Advocate  
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Ms. Rajni Bala Rohilla, Advocate  
for respondent No.2.

**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.173 dated 17.04.2019 registered under Sections 186/353/506 of the Indian Penal Code, 1860 at Police Station Shahabad, District Kurukshetra (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 31.05.2022, 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.173 dated 17.04.2019 registered under Sections 186, 353, 506 of the Indian Penal Code, 1860 at Police Station Shahabad, District Kurukshetra (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.*

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

*Notice of motion for 26.07.2022.*

*On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Ms. Rajni Bala Rohilla, 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 six 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 Sub Divisional Judicial Magistrate, Shahabad. The relevant portion of the said report is reproduced hereinbelow:-

*“As per the order dated 31.05.2022 passed by the Hon'ble Punjab and Haryana High Court, following information are as under :-*

- (i) There is one complainant namely Sunil Kumar and there is one accused namely Surinder Singh arrayed in the FIR.*
- (ii) The accused has not been declared proclaimed offender in the present FIR.*

- (iii) *The compromise is genuine and is found valid, voluntary, out of free will of the parties and without any influence and coercion.*
- (iv) *The accused is not involved in any other FIR as per the statement of Investigating Officer.*
- (v) *There is only one victim/complainant in the present FIR as per the statement of Investigating Officer.*

*Photocopies of statement of complainant/victim Sunil Kumar and separate statement of accused Surinder Singh as well as separate statement of investigating officer SI Krishan Lal, No.131-A, P.S. Sector-9, Ambala City and compromise Ex.P1 are attached with this report. This is for your kind information and necessary action, please.*

*Thanking you.*

*Yours faithfully,*

*Sd/- (Ravish Kaushik)*

*Sub Divisional Judicial Magistrate ,*

*Shahabad. UID No.HR0358”*

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.173 dated 17.04.2019 registered under Sections 186, 353, 506 of the Indian Penal Code, 1860 at Police Station Shahabad, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

**July 26, 2022**

amit rana

**(VIKAS BAHL)**

**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether reasoned/speaking | : | Yes/No |
| Whether reportable        | : | Yes/No |