

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

283

CRM-M-24989-2022
Decided on : 27.07.2022

Shiv Kumar and another

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Anmol Malik, DAG, Haryana.

Mr. Jatin Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 110 dated 24.04.2020 under Sections 323, 325, 34 and 506 of the Indian Penal Code, 1860 registered at Police Station Furrukh Nagar, District Gurugram (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 01.06.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 110 dated 24.04.2020 under Sections 323, 325, 34 and 506 of the Indian Penal Code, 1860 registered at Police Station Furrukh Nagar, District Gurugram (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

Notice of motion for 27.07.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Jatin Sharma, 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 said order, a report has been submitted by the Judicial Magistrate 1st Class, Pataudi to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In pursuance to which, complainant Mahabir Singh as well as accused persons namely Shiv Kumar and Geeta Devi appeared before the Court. The nature and consequence of the statement being recorded by both the parties was

explained to them and after being satisfied that the statements were being made voluntarily, statements of the concerned parties were recorded. Statement of complainant Mahabir Singh as well as accused Shiv Kumar and Geeta Devi was recorded with regard to their compromise. Photocopies of Adhar card of complainant Mahabir Singh as well as of the accused persons Shiv Kumar and Geeta Devi have also been placed on record. Complainant Mahabir Singh stated on oath that a compromise has been effected between him and accused persons. Similarly accused persons also stated that they have compromised the case with the complainant and FIR may kindly be quashed.

To verify involvement of other persons, statement of IO/LHC Rakhi (belt no. 544) of Police Post. Haily mandi, Police Station Pataudi. Gurugram was recorded She stated in her statement that in the present FIR No. 110 dated 24.04.2022, a complaint was registered against two accused persons Shiv Kumar and Geeta Devi are accused in this case and challan has been filed against them only.

In view of the statements of the interested parties, the undersigned is of view that they have compromised the matter amongst them without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them.

Statements of the interested parties in original is enclosed herewith. Photocopies of Aadhar card of complainant Mahabir Singh as

well as of the accused Shiv Kumar and Geeta Devi have also been placed on record and statement of 10/L/HC Rakhi (belt No. 544) of Police-Post Haily Mandi, Police Station Pataudi, Guguram) in original is enclosed herewith.

Submitted please.”

A perusal of the above report would show that it has been stated that the statements of the 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 further 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 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 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. 110 dated 24.04.2020 under Sections 323, 325, 34 and 506 of the Indian Penal Code,1860 registered at Police Station Furrukh Nagar, District Gurugram (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

27.07.2022

Mehak

(VIKAS BAHL)
JUDGE

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