

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-25728-2022

Date of Decision: July 26, 2022

Chetan Singh and others

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Ms. Ishita Jain, Advocate for
Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Anmol Malik, DAG, Haryana.

Mr. Pardeep Panwar, Advocate
for respondents No.2 and 3.

VIKAS BAHL, J. (Oral)

This is a second petition under Section 482 of Cr.P.C. for quashing of FIR No. 455 dated 16.06.2017, registered under Sections 420, 419, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Civil Lines, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 04.07.2022, this Court was pleased to pass the following order:-

“This is the second petition filed under Section 482 Cr.P.C. for quashing of FIR No. 455 dated 16.06.2017 registered under Sections 420, 419, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Civil Lines, District Karnal (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that in the earlier petition, Rajinder Pal (respondent No. 3) was not

made a party and thus, the petitioner had withdrawn the petition with liberty to file a fresh petition after making all the victims as respondents. Now, the said victim i.e. Rajinder Pal has been made party as respondent No. 3. It is further submitted that although, there are four accused in the present case but the compromise has been effected with three accused only i.e. the present petitioners and a prayer has been made by counsel for the petitioners as well as counsel for respondents No. 2 and 3 that the FIR qua the present petitioners be quashed.

Learned counsel for the petitioners and respondents No.2 and 3 have relied upon the judgment of the Hon'ble Supreme Court titled as Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in CRM-M-16318-2018 titled as Dalip Mandal and another Vs. State of U.T., Chandigarh and others in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

Notice of motion for 26.07.2022.

On asking of the Court, Mr. Munish Sharma, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. P Pardeep Panwar, Advocate appears on behalf of respondents No. 2 and 3 and filed his power of attorney, same is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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 abovesaid order, a report has been submitted by the Judicial Magistrate First Class, Karnal. The relevant portion of the said report is reproduced hereinbelow:-

“ On 08.07.2022 accused Raj Kumar, Chetan Singh, Mahinder Pal @ Bunty appeared in Court and made separate statement to the effect that they have compromised the matter with Sukhwinder and Rajender Pal, now no dispute remains between them, the case may be finished. The complainant Sukhwinder Pal along-with Rajender Pal appeared in person and made separate statement that they have compromised the matter with Mahender Pal, Chetan Singh, Raj Kumar, now no dispute remains between them, whereas Amit Kumar is absconding, there is no objection if the case is finished against accused Mahender Pal, Chetan Singh, Raj Kumar. The investigation officer appeared in Court and made statement that (i) there are found accused persons in this case- Raj Kumar, Chetan Singh, Mahender Pal @ Bunty, Amit (ii) accused Amit (son of Suraj Parkash)

has been declared proclaimed person vide order dated 03.05.2019 passed by the Court (iii) another case arising out of FIR no.180 dated 03.03.2016, U/s 380 IPC, P.S Civil Lines, Karnal has been registered against accused Amit (iv) the complainant of this case is Sukhwinder Singh. The compromise between the parties is genuine, voluntary, without any undue influence. The original statement of the complainant, Rajender Pal, accused-persons, statement and report of investigation officer, copy of daily order passed today are annexed herewith for kind perusal of the Hon'ble High Court.

Submitted please,

Encl:- As above.

Yours faithfully,

Sd/- (Prateet Singh)

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 complainants as well as the petitioners 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 statements of the complainants have been made voluntarily without any fear, coercion or pressure.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondents No.2 and 3 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 petitioners and the complainants. 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. 455 dated 16.06.2017, registered under Sections 420, 419, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Civil Lines, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

July 26, 2022
amit rana

(VIKAS BAHL)
JUDGE

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