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

CRM-M-29862-2021

Date of decision : 31.05.2022

Pardeep Duhan and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajeev Sharma (Raju), Advocate for the petitioners.

Mr. Viney Phogat, DAG, Haryana.

Ms. Tanya Malik, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.87 dated 23.06.2021, registered under Sections 323 and 506 of the Indian Penal Code, 1860 and Section 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), at Police Station Bapoli, District Panipat, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 11.05.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.87 dated 23.06.2021, registered under Sections 323 and 506 of the Indian Penal Code, 1860 and Section 3(1)(s) of the Scheduled Castes & Scheduled Tribes

(Prevention of Atrocities) Act, 1989 (Amendment 2015), at Police Station Bapoli, District Panipat, 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.

Adjourned to 31.05.2022.

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 Additional District and Sessions Judge, Panipat. The relevant portion of the said report is reproduced hereinbelow:-

“In order to answer the queries, the statement of Sh. Pardeep Kumar, DSP, Samalkha was also recorded. As per his statement, requisite information with regard to points no.1 to 5 is as under:

Q1: How many number of persons arrayed as accused?

Ans. There are only two accused namely Pardeep and Ram Niwas.

Q.2: Whether any accused is proclaimed offender?

Ans.: No.

Q.3 Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Ans. When I contacted the complainant namely Parminder, he told me that a compromise has been arrived at between him and accused and that said compromise has been effected with free will and consent, without any pressure or fear.

Q.4 Whether the accused persons are involved in any other FIR or not?

Ans. Accused Pardeep Duhan son of Dariya Singh is also facing a criminal case bearing FIR no.87 of 2017, under sections 186, 332, 353, 506 of IPC, Police Station Bapoli. In another case, bearing FIR no.86 dated 10.6.2016, under section 21(4) Mines Act, Section 379 of IPC, Police Station Bapoli, he has already been acquitted. He is also involved in a case bearing FIR no.26 dated 20.6.2016 under sections 279, 337 of IPC and 187 of Motor Vehicles Act and under the provision of Arms Act, Police Station Dehra, District Kangra (Himachal Pradesh) but I do not know outcome of the abovesaid case pending in Himachal Pradesh.

Q.5 How many victim/complainant are there in the present FIR?

Ans. There is only one complainant/victim namely Parminder in the present case.

In this connection, it is further submitted that after making enquiry from the parties and after establishing their identity, their statements were recorded. As per their statements, compromise effected between the parties is genuine, without any coercion or undue influence. Copies of their statements and copy of zimni order are submitted herewith for kind perusal.

This is for your kind information and necessary action, please.

Yours faithfully

Sd/- (Dr. Naresh Kumar Singhal)”

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 petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is 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 petitioners 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.87 dated 23.06.2021, registered under Sections 323 and 506 of the Indian Penal Code, 1860 and Section 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989

(Amendment 2015), at Police Station Bapoli, District Panipat, and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

31.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No