

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-27495-2022

Date of decision:08.09.2022

Gurmeet Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Siddarth, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.236 dated 02.07.2021 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Naraingarh, District Ambala and all other consequential proceedings arising therefrom on the basis of compromise.

On 17.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that petitioner has deposited Rs.5,000/-, as ordered by this Court, vide order dated 21.07.2022 and has produced a receipt, which is taken on record and Marked as 'Mark A'.

Learned counsel for the petitioner has submitted that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 08.09.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days from today.

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.*

However, since the statement of the parties could not be recorded before the Illaqa Magistrate/trial Court in spite of the direction given vide order dated 21.07.2022, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioner in the 'High Court Lawyers' Welfare Fund', within a period of 15 days from today.

The trial Court shall only record the statements of parties on production of receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE”

August 17, 2022

In pursuance to the said order, a report has been submitted by Sub-Divisional Judicial Magistrate-cum-Additional Civil Judge (Senior Division), Naraingarh. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance of the order of Hon'ble High Court, the parties to aforementioned case appeared before the Illaqua Magistrate/Trial Court on 01.09.2022. The parties produced copy of the receipt regarding deposit of cost in High Court Lawyers Welfare Fund. It was stated by both the affected parties in their separately recorded statements that they had arrived at a compromise with their free consent. Complainant Vijay has stated that he has arrived at compromise with accused with his free consent and without any pressure. He has also stated that compromise is in the interest of both the parties and he has 'no objection' to the quashing of FIR by Hon'ble High Court.

It is further submitted that the compromise is genuine, voluntary, and without any coercion or undue influence.

It is further submitted that as per statement made by Investigating Officer, only one person named Gurmeet Singh has been arrayed as accused in the FIR No.236 dated

02.07.2021 registered at Police Station Naraingarh and he has not been declared proclaimed offender in this case. It is also submitted that as per statement of Investigating Officer, accused is involved in four other FIRs (all registered in Punjab).

xxx xxx xxx

Thanking you,

Yours Sincerely,

(Sumitra Kadian)”

A perusal of the above said report would show that the petitioner and complainant-respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Further perusal of the report would also show that an amount of Rs.5,000/- has already been deposited by the petitioner, as ordered by this Court, vide order dated 17.08.2022.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

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

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***”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.236 dated 02.07.2021 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Naraingarh, District Ambala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

08.09.2022
Ishwar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No