

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.266

CRM-M-26970-2022

Date of Decision: 05.09.2022

Anuj Kumar @ Bhallu & ors.

...Petitioners

Versus

State of Haryana & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Manoj Pundir, Advocate for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

Mr. Gaurav Rathore, Advocate, for
Mr. Bhupender Singh, Advocate,
for respondents No.2 to 4.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0075, dated 04.05.2022, under Sections 148, 149, 323, 427, 452 and 506 IPC, registered at Police Station Jathlana, District Yamuna Nagar, and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 07.06.2022 (Annexure P-2).

On 20.06.2022, this Court had passed the following order:-

“The instant petition has been filed for seeking quashing of FIR No.75 dated 04.05.2022, registered under Sections 148, 149, 323, 427, 452 and 506 of the IPC, at Police Station Jathlana, District Yamuna Nagar and all consequential proceedings arising therefrom on the basis of compromise dated 07.06.2022 (Annexure P-2).

Notice of motion.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana appears and accepts notice on behalf of the respondent/State.

Mr. Bhupender Singh, Advocate appears on behalf of

respondents No.2 to 4 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 11.07.2022 or any other date convenient to the Illaqa Magistrate/Trial Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
 - (ii) Whether any accused is proclaimed offender;*
 - (iii) The stage of trial/proceedings;*
 - (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*
 - (v) Whether the compromise has been effected with all accused persons and with all the complainant/injured.*
- To come up for further consideration on 01.09.2022.*
- Response, if any, may also be filed by the State on or before the adjourned date.”*

Pursuant to the aforesaid order, report dated 21.07.2022 has been received from Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri. The relevant paragraph of the said report is as under:-

“As per the statement of Investigating Officer, there are three accused, namely Anuj Kumar, Ajay Rana and Ankush Rana in present F.I.R. No.75, dated 04.05.2022, under Sections 148, 149, 323, 427, 452 and 506 IPC, P.S. Jathlana, Yamuna Nagar.

2. As per the statement of Investigating Officer, namely S.I. Subhash Chand, no.75/YNR, P.S. Jathlana, District Yamuna Nagar, accused Anuj Kumar, Ajay Rana and

Ankush Rana have not been declared proclaimed offender.

3. In the present case, challan has not filed against accused.

4. The compromise is genuine, voluntary and without any coercion or undue influence.

5. As per the statement of parties, the compromise has been effected between all the three accused and all the three injured/complainant.

Thanking you

Yours faithfully,

*(Nimit Kumar)
Judicial Magistrate, Ist Class,
Yamuna Nagar at Jagadhari.
UID No.HR0406”*

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are three accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and no other case has been registered against the accused persons except the FIR in question.

I have heard learned counsel for the parties and have also gone through the case 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 is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.0075, dated 04.05.2022, under Sections 148, 149, 323, 427, 452 and 506 IPC, registered at Police Station Jathlana, District Yamuna Nagar, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

05.09.2022
monika

(AMAN CHAUDHARY)
JUDGE

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