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

CRM-10090-2022 in/and
CRM-M-26649-2020 (O&M)
Date of decision : 26.04.2022

Parveen Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Sukhdeep Singh, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-10090-2022

Application is allowed, as prayed for.

Affidavit dated 15.03.2022 is taken on record, subject to all just exceptions.

Main case

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.35 dated 16.01.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1989, at Police Station City Karnal, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise.

On 08.09.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Petitioner-Parveen Kumar, stated to be aged 45 years, has filed the present petition inter alia with a prayer for quashing of FIR No.35 dated 16.01.2020, registered under sections 406 & 420 of Indian Penal Code and Section 24 of Immigration Act, 1989, at Police Station City Karnal, District Karnal, on the basis of compromise (Annexure P-2) arrived between the parties, along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that the parties have compromised the matter and in support thereof, they have attached a settlement deed dated 31.07.2020 (Annexure P-2).

Notice of motion.

At this stage, Mr. Sukhdeep Singh, Advocate appears through video conferencing on behalf of respondent No.2/complainant. He affirms and verifies the factum of settlement between the parties. It is submitted that respondent No.2 has no objection to the quashing of the abovesaid FIR.

On asking of the Court, Mr. Rajiv Goel, DAG, Haryana, accepts notice on behalf of respondent No.1-State. A copy of the petition be supplied to learned State counsel during the course of day.

In view of the position as above, the parties are directed to appear before the learned trial court/Illaq Magistrate for recording of their statements in regard to the settlement. The learned trial court/Illaq Magistrate is directed to record the statements of the petitioner and respondent No.2, as well as all/any affected person(s) regarding the factum of compromise. Written compromise, if any, be produced before the learned trial court/Illaq Magistrate.

Learned trial court/Illaq Magistrate is directed to send its report regarding the genuineness of compromise

alongwith statements of the parties before the date fixed.

List on 20.01.2021, to await the report of the learned trial Court/Illaqa Magistrate concerned.

Sd/-(Girish Agnihotri)

Judge

08.09.2020 ”

It is further relevant to note that vide order dated 21.01.2021 passed by the Coordinate Bench of this Court, it was argued by the learned counsel for the petitioner that neither the petitioner is involved in any other criminal case, nor has been declared as a proclaimed offender by any Court and it was noticed that the petitioner was directed to file affidavit as to the said fact. In pursuance of the same, learned counsel for the petitioner has filed affidavit which is at page 3 of CRM-10090-2022 in CRM-M-26649-2020. Relevant portion of the said affidavit is reproduced here as under:-

“I, Parveen Kumar son of Shri Chamel Singh, age 43 years, resident of village & P.O. Kachhwa, Tehsil and District Karnal, do hereby solemnly affirm and declare as under:-

- 1. That this affidavit is being filed in consonance with the order dated 21.1.2021, whereby Hon'ble Mr. Justice Suvil Sehgal, has directed to submit the affidavit of the petitioner.*
- 2. That the deponent is not involved in any other criminal case.*
- 3. That the deponent has not been declared as a proclaimed offender by any Court.*

Sd/- Deponent.”

In pursuance of the abovesaid order dated 08.09.2020, a report has been submitted by the Additional Chief Judicial Magistrate, Karnal. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

I have the honour to submit that vide order dated 01.09.2020 of Hon'ble Punjab & Haryana High Court passed in CRM-M-26649-2020, parties were directed to appear before the trial court/Illaq Magistrate for recording of their statements regarding settlement. On 24.9.2020, accused Parveen appeared and he stated in writing that he has compromised the matter and FIR may be quashed. He on record his self attested copy of adhar card to prove his identity. Today on 5.10.2020 complainant Parteek Turan appeared and he stated in writing that he has compromised the matter with accused and FIR may be quashed. He also placed on record his self attested copy of adhar card to prove his identity. As per copy of FIR. complainant Parteek Turan is the only victim/affected person.

No written compromise produced before the undersigned by the parties and they only gave their statements in writing regarding compromise. After considering the statements of complainant and accused, this court is of the view that genuine compromise has been effected between the parties. Please find enclosed herewith original statements of the parties recorded before the undersigned. The above report is being sent for kind perusal.

*Yours faithfully,
Sd/- (Harish Goyal)”*

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 petitioner has submitted that the petitioner was not declared proclaimed offender in the present case and there are no other cases pending against the petitioner. Learned counsel for the State, as per instructions has stated that these 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, 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**”, 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.35 dated 16.01.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1989, at Police Station City Karnal, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

26.04.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No