

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

(282)

CRM-M-28557-2022

Date of Decision: 01.08.2022

JAGAT SINGH AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohit Nehra, Advocate, for the petitioners.

Mr. Anmol Malik, DAG Haryana.

Mr. Vijay Dahiya, Advocate, for respondent Nos. 2 and 3.

VIKAS BAHL J. (Oral)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.212 dated 14.05.2020, registered under Sections 147, 149, 323, 341, 506 of the Indian Penal Code, 1860, at Police Station Tosham, District Bhiwani (Annexure P-1) and all the subsequent proceedings emanating therefrom on the basis of compromise.

On 07.07.2022, this Court has passed the following order:-

"This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.212 dated 14.05.2020 registered under Sections 147, 149, 323, 341, 506 of the Indian Penal Code, 1860 at Police Station Tosham, District Bhiwani (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

*Learned counsel for the petitioners has submitted that there are seven accused persons, out of which, four accused persons were challaned in the present case and the said persons, who have been challaned, have filed the present petition and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.*

Notice of motion for 01.08.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Vijay Dahiya, Advocate appears on behalf of respondent Nos.2 and 3.

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

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.*

(VIKAS BAHL)

07.07.2022

JUDGE "

In pursuance of the said order, the report has been submitted by

the Judicial Magistrate Ist Class, Tosham to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

"(III) Statement of HC Rajesh Kumar, No. 86, the Investigating Officer of this case also recorded in which he stated that he had investigated the case bearing FIR no. 212 dated 14.05.2020, under sections 323,325,341,506/34 IPC, Police Station Tosham. In this case, except complainant-cum-injured Ashok son of Rajender. resident of village Patodi Khurd, Krishan son of Baljit, resident of village Patodi Khurd is also injured and except them, there is no other injured person. He further stated that in the above-mentioned case. there are four accused persons, namely Harpal son of Shri Rai Singh. Sandeep son of Shrinivas, Jagat Singh son of Shri Rai Singh, Rajesh Kumar son of Shri Swaroop Singh, all residents of village Patodi Khurd, Tehsil Tosham, District Bhiwani and all the abovesaid accused persons never declared as Proclaimed Offenders.

(IV) This court is of the considered view that the compromise has been reached voluntarily between the parties and both the parties have made their statements voluntarily without any threat. inducement or pressure.

The original statements of the parties i.e. of the complainant, injured and accused are enclosed herewith for the kind perusal of the your Honour.

*Davender,
Judicial Magistrate Ist Class,
Tosham
UID No. HR0330"*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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**”, 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. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.212 dated 14.05.2020, under Sections 147, 149, 323, 341, 506 of the Indian Penal Code, 1860, registered at Police Station Tosham, District Bhiwani (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

01.08.2022

naresh k./Ajay Goswami

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No