

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.254

CRM-M-28996 of 2022

Date of Decision: September 16, 2022

JOGINDER KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Mohan Singh Chauhan, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. S. S. Brar, Advocate
for complainant.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.295, dated 12.05.2022, under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Ambala Cantt, District Ambala and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 30.05.2022 (Annexure P-2).

On 17.08.2022, this Court had passed the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 295 dated 12.5.2022, under Sections 120-B, 420, 467, 468, 471 IPC, registered at Police Station Ambala Cantt, District Ambala and all subsequent proceedings arising therefrom on the basis of compromise dated 30.5.2022.

Notice of motion.

Ms. Geeta Sharma, DAG Haryana, and Mr. Ramender Singh, Advocate for Mr. S.S. Brar, Advocate accept notice on behalf of the State and the complainant respectively.

The parties are directed to appear before the Illaqa

Magistrate/trial court for recording their statements with regard to the compromise on 31st August, 2022.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the FIR.
- (ii) Whether any accused is proclaimed offender and
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 16th September, 2022. ”

Pursuant to the aforesaid order, report dated 03.09.2022 has been received from Additional Chief Judicial Magistrate, Ambala. The relevant paragraph of the said report is as under:-

“This Court having conferred with the parties and going through the statement of the parties i.e. complainant/respondent No.1 Sadhna Aggarwal and petitioner-accused Joginder Kumar, is of the considered view that the matter has been compromised between the accused-petitioner and respondent No.2/complainant with their free will and consent and without any pressure or coercion on either side. The compromise effected between the parties is genuine and valid.

Two persons namely Baldev Singh and Joginder Kumar were arrayed as accused in the FIR

None of the accused is proclaimed offender.”

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 two accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

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 petitioner and the complainant. 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.295, dated 12.05.2022, under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Ambala Cantt, District Ambala and all other consequential proceedings arising therefrom, are quashed qua the present petitioner.

September 16, 2022
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(AMAN CHAUDHARY)
JUDGE

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