

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

287

CRM-M-30355-2022(O&M)
Date of decision : 17.08.2022

AMANDEEP SINGH ALIAS AMANDEEP SINGH SANDHU

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhawan Deep Jindal, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. S.S. Sahoke, Advocate
for the respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.201 dated 17.07.2018, registered under Sections 279, 337, 338 of the Indian Penal Code, 1860 at Police Station Parao, Amabla Cantt. District Ambala and all other consequential proceedings arising therefrom on the basis of compromise dated 26.06.2022 (Annexure P-2).

On 18.07.2022, this Court was pleased to pass the following order:-

“ CRM-24429-2022

*This is an application filed for grant of leave
under Rule 3-A (1) Chapter VI, Part-B, Volume V of the Punjab*

and Haryana High Court Rules and Orders for exemption from mentioning the roll of advocate in the present case.

In view of the averments made in the application, the same is allowed and exemption is granted under the aforesaid Rule and Order to from mentioning the roll of advocate in the present case.

Main Case

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 201 dated 17.07.2018 registered under Sections 279, 337 and 338 of the Indian Penal Code, 1860 at Police Station Parao, Ambala Cantt. District Ambala (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 17.08.2022.

On advance notice, Mr. Bhupender Singh, DAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Mandeep Singh Bains, Advocate appears on behalf of respondent No. 2 and filed his power of attorney, the same is taken on record.

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

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.*

18.07.2022 ”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate First Class, Ambala. The relevant portion of the said report is reproduced hereinbelow:-

“

(i)	Number of persons arrayed as accused?	<i>In the present case, there is only accused has been arrayed namely Amandeep Singh</i>
(ii)	Whether any accused is a proclaimed offender?	As per the statement of SI Dharampal, accused has not been declared proclaimed offender/person in this case.
(iii)	Whether the compromise is genuine, voluntary and without any coercion or undue influence?	<i>Both the parties have admitted that the compromises have been effected by them and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.</i>
(iv)	<i>Whether the accused persons are involved in any other FIR or not?</i>	<i>As per the statement of SI Dharampal, there is no other case registered against the accused person in Police Station Parao, Amabala Cantt.</i>

(v)	<i>How many victims/complainants are there in the FIR</i>	<i>As per SI Dharmpal, there is only one victim/complainant namely Sanjeev Kumar in the present FIR.</i>
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The statements of the complainant namely Sanjeev Kumar, accused namely Amandeep Singh, Investigating Officer namely SI Dharampal have been recorded. The statements of the parties and Investigating Officer and photocopy of compromise Annexure-A (original compromise is placed on the file before Hon'ble High Court) are enclosed herewith for kind consideration, please.

Yours faithfully,

(Neelam Kumari)
Judicial Magistrate 1st Class,
Ambala. ”

A perusal of the above said report would show that the compromise in the present case has been found to be voluntarily, without any coercion or undue influence.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and he was not declared proclaimed offender in the present case.

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

Learned counsel for respondent no.2-complainant 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. He prayed that FIR and subsequent proceedings may be quashed.

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 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 feel 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 what has been discussed hereinabove, this petition is allowed and FIR No.201 dated 17.07.2018, registered under Sections 279, 337, 338 of the Indian Penal Code, 1860 at Police Station Parao, Amabla Cantt. District Ambala and all other consequential proceedings arising therefrom on the basis of compromise dated 26.06.2022 (Annexure P-2) are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)
JUDGE

17.08.2022

Amandeep

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