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

CRM-M-36152-2022
Date of decision : 31.10.2022

Kaushik Bose and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Sidhu, Sr. Advocate with
Mr. Navkesh Singh, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Divij Datt, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.392 dated 24.03.2019 registered under Sections 406, 420, 34 of the Indian Penal Code, 1860 at Police Station Shivaji Nagar, District Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.09.2022, this Court had passed the following order:-

“Learned Senior counsel for the petitioners as well as learned counsel for respondent No.2 have jointly stated that the compromise has been effected between the parties.

Adjourned to 31.10.2022.

The parties are directed to appear before the Illaqa

Magistrate/trial Court for recording their statements qua compromise within a period of four weeks from today.

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.”*

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

“It is further submitted that as per the statement of the parties, the compromise appears to be genuine, voluntary and without any pressure, threat, coercion or undue influence. The compromise has been effected between all the parties. In this case, petitioners have not been declared persons. The original statements of both the parties i.e. complainant [Mr. Ajay Sharma] and accused persons namely Kaushik Bose and Prateek Nepalia along-with the status report and statement of SI/Investigating Officer Suresh Kumar belt No.847 PS Shivaji Nagar, Gurugram, are being sent to the Hon'ble Punjab and Haryana High Court for further proceedings.”

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 petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is 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 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**”, 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.392 dated 24.03.2019 registered under Sections 406, 420, 34 of the Indian Penal Code, 1860 at Police Station Shivaji Nagar, District Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

31.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No