

237 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32506 of 2022(O&M)
Date of Decision: 26.08.2022.

Lokesh Kumar @ Lokesh Garg

... Petitioner

Vs.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Shruti Mandhotra, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG., Haryana.

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

AMAN CHAUDHARY, J. (ORAL)

Present petition has been filed for quashing of FIR No. 298 dated 26.4.2021, under Sections 406, 420, 467, 468, 471, 506 IPC, registered at police Station Suraj Kund, District Faridabad and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 15.07.2022 (Annexure P-2).

On 27.07.2022, this Court had passed the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 298 dated 26.4.2021, under Sections 406, 420, 467, 468, 471, 506 IPC, registered at police Station Suraj Kund, District Faridabad and all other subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Ms. Geeta Sharma, DAG, Haryana and Mr. Shashi Kant Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 respectively.

The parties are directed to appear before the Illaqa

Magistrate/trial court for recording their statements with regard to the compromise on 8.8.2022.

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 declared as proclaimed offender;

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 26.8.2022.

In the meantime, let the State file reply as to whether there is forgery in the documents or not.”

Pursuant to the aforesaid order, report dated 08.08.2022 has been received from the Chief Judicial Magistrate, Faridabad. The relevant part of the said report is as under:

“It is stated in the said report that statement of the complainant as well as accused recorded whereby complainant and accused stated that they have entered into compromise voluntarily without any external coercion or pressure. They were given time to ensure the voluntary nature of the compromise. In the considered opinion of the undersigned the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise. The complainant and victim as well as accused were duly identified by their respective counsels.

It is pertinent to mention here that in the present case, challan has not been received so far. Report regarding number of accused and whether any accused is proclaimed offender also called from the investigating officer, on which ASI Sanjeet of police post Ankhir of police station Surajkund has appeared and suffered statement, wherein it is reported that except the present accused namely Lokesh Kumar @ Lokesh Garg there is no other accused in this case and there is no accused who has been declared proclaimed offender in this case. So, the pointwise reply, so sought by Hon'ble High Court, is an under:-

i. There is only one accused in the FIR namely Lokesh Kumar @ Lokesh Garg.

ii. No accused has been declared as proclaimed offender in this FIR.

iii. Compromise is genuine, voluntary and without any coercion or undue influence.”

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 is only one accused person and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that no accused has been declared as proclaimed offender in this case and no other person is involved in the occurrence in respect of the FIR in question.

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 parties. 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. 298 dated 26.4.2021, under Sections 406, 420, 467, 468, 471, 506 IPC, registered at police Station Suraj Kund, District Faridabad and all other consequential proceedings arising therefrom, is quashed qua the petitioner.

26.08.2022
rekha sharma

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No