

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35429-2022

Date of decision : 29.09.2022

Pyare Lal Chauhan

... Petitioner

Versus

Ragbir Singh

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Petitioner in person.

Mr.Hari Om Sharma, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing the summoning order dated 22.02.2013 passed by the Judicial Magistrate Ist Class, Hisar and revision order dated 03.03.2015 passed by the Additional Sessions Judge, Hisar, on the basis of compromise.

On 10.08.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has filed the present petition under Section 482 of the Cr.P.C. for quashing of summoning order dated 22.02.2013 passed by learned Judicial Magistrate First Class, Hisar and revision order dated 03.03.2015 passed by learned Addl. Sessions Judge, Hisar on the basis of compromise between the parties.

Notice of motion.

Mr. Hari Om Sharma, Advocate has appeared and accepted notice on behalf of respondent No.2 and filed his power of attorney in the Registry which is taken on record.

Learned Counsel for respondent No.2 admits the factum of

compromise.

Accordingly, the parties are directed to appear before the trial Court/Illaqa Magistrate within 15 days from today for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report before next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the complaint.*
- 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 case or not.*
- 5. Current stage of the case.*

List on 26.09.2022.

This will, however, be subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Hisar.

10.08.2022

**(ASHOK KUMAR VERMA)
JUDGE”**

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

“4. In pursuance of the order of Hon'ble High Court dated 10.8.2022, it is humbly submitted that (1) Initially seven persons were arrayed as accused in the present complaint, but only accused Pyare Lal was summoned, later on, remaining accused were summoned under Section 319 Cr.P.C. on the application moved by accused Pyare Lal, but charge has yet to be framed against them; (2) Accused Pyare Lal was not declared proclaimed person at any point of time in the present case; (3) The compromise arrived at between the parties appears to be voluntary and without any pressure; (4) is not involved in any other case; and (5) The case is at pre charge evidence qua the accused summoned under Section 319 Cr. P.C.”

A perusal of the above said report would show that the petitioner and the complainant-respondent have appeared and have suffered

voluntary, genuine, and out of free will. The petitioner and counsel for the respondent have submitted that in the present case, compromise has been effected with only the petitioner and has relied upon the judgment of the Hon'ble Supreme Court titled as ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as ***2012 (12) SCC 401***, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Reliance has also been placed upon the judgment dated 04.07.2019 passed in CRM-M-16318-2015 titled as ***Dalip Mandal and another Vs. State of U.T., Chandigarh and others*** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

Learned counsel for the respondent 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 petitioner and the complainant-respondent. 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."

In view of what has been discussed hereinabove, this petition is allowed and summoning order dated 22.02.2013 passed by the Judicial Magistrate Ist Class, Hisar and revision order dated 03.03.2015 passed by the Additional Sessions Judge, Hisar and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

September 29, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No