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

CRM-M-33124-2022
Date of decision : 15.09.2022

Angrej Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Ankit Aggarwal, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.259 dated 18.06.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (Sections 370 and 384 of IPC have been added later on) and Section 24 of the Immigration Act, at Police Station Sectors 32-33, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 29.07.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.259 dated 18.06.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (Sections 370 and 384 of IPC have been added later on) and Section 24 of the Immigration Act, at Police Station Sectors

32-33, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that in the present case, there are two accused persons, out of which, one accused person i.e. the present petitioner has filed the present petition for quashing of FIR on the basis of compromise and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

Notice of motion for 29.08.2022.

On asking of the Court, Mr. Anmol Malik, DAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Ankit Aggarwal, Advocate appears on behalf of respondent Nos.2 and 3.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 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. ”

Thereafter, on 29.08.2022, the parties were again directed to appear before the Additional Sessions Judge, Karnal in order to get their statements recorded with respect to compromise effected between them.

In pursuance of the abovesaid orders, a report has been submitted by the Additional Sessions Judge, Karnal. The relevant portion of the said report is reproduced hereinbelow:-

“Kindly refer to the order dated 29.08.2022 passed by the Hon'ble Punjab and Haryana High Court in CRM-M-33124 of 2022 respectively, in compliance of aforesaid order passed by Hon'ble High Court, it is submitted that undersigned has recorded the statements of parties to the petition i.e. complainant Gurjant Singh son of Sh. Joginder Singh, resident of Village Randauli. District Karnal, accused person namely Angrej son of Sh. Satpal, resident of Village Kheri Naru, District Karnal and Victim Daler Singh son of Sh. Gurjant Singh, resident of Village Randauli, District Karnal.

After recording their statements, this Court is of the view that due to the intervention of respectable persons of the society, a compromise had taken place between the parties. From the statement of the parties recorded on oath, it appears to the undersigned that compromise is genuine and without any coercion or undue influence, and the matter has voluntarily been compromised between the above mentioned parties.”

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 petitioner has submitted that the petitioner was 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 Nos.2 and 3 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. 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.259 dated 18.06.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (Sections 370 and 384 of IPC have been added later on) and Section 24 of the Immigration Act, at Police Station Sectors 32-33, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

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

15.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No