

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32783-2022

Date of decision:26.08.2022

Rajbir @ Raju and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pawan Attri, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Ms. Pinki Mehalla, Advocate for respondents No.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.321 dated 18.11.2021 under Sections 323, 324, 34, 506 IPC and Sections 3(1) (s), 3(2) (iii), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act, 2015), registered at Police Station Sadar Kaithal (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise.

On 28.07.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.321 dated 18.11.2021, under Sections 323, 324, 34, 506 IPC and Sections 3(1)(s), 3(2)(iii), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act, 2015), registered at Police Station Sadar Kaithal and all other subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana and Ms. Pinki Mehalla,

Advocate appearing on advance notice accept the same on behalf of respondents No.1 and 2 & 3 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.

(AVNEESH JHINGAN)
JUDGE”

28th July, 2022

In pursuance to the said order, a report has been submitted by Addl. District and Sessions Judge, Kaithal. The relevant portion of the said report is reproduced hereinbelow:-

- The aforesaid FIR bearing No.321 dated 18.11.2021 is registered against three accused namely Rajbir alias Raju, Shamsher alias Sher and Amit, at Police Station Sadar Kaithal, District Kaithal.*
- As per statement dated 08.08.2022 made by Shri Sajjan Kumar, Investigating Officer/Deputy Superintendent of Police, in the present FIR, none of the accused has ever been declared proclaimed offender.*
- Compromise Ex.C1, duly signed by 'R' (complainant), injured Sunny and accused persons namely Rajbir alias Raju, Shamsher alias Sher and Amit placed on record is, real and genuine one. Their statements made before the Court are voluntarily one and without any coercion or undue influence.*

Submitted please.

(Poonam Suneja)
Additional Sessions Judge,
Special Court, Kaithal,
(UID No.HR0099)”

A perusal of the above said report would show that the petitioners, respondents No.2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender in the present case.

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

Learned counsel for respondents No.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 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***”, 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 FIR No.321 dated 18.11.2021 under Sections 323, 324, 34, 506 IPC and Sections 3(1) (s), 3(2) (iii), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act, 2015), registered at Police Station Sadar Kaithal (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

August 26, 2022.

Ishwar Singh

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No