

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33688-2022

Date of decision:22.09.2022

Arbind Kumar Singh alias Arvind Kumar and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Suresh Kumar Kaushik, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Dharamvir Sharma, 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.317 dated 17.11.2018 under Sections 406,419,420 IPC, registered at Police Station Kheripul, District Faridabad (Annexure P-1) along with subsequent proceedings arising therefrom, on the basis of compromise **and the order dated 15.02.2020 whereby bail of petitioner No.1 has been cancelled and the bonds have been forfeited to the State.**

On 30.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the parties has submitted that one last opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 22.09.2022.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days 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.*

However, since the statement of the parties could not be recorded as the parties have not appeared before the Illaqa Magistrate/trial Court in spite of giving direction, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners with the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh, within a period of 10 days from today.

The trial Court shall only record the statements of parties on production of receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

30.08.2022 (VIKAS BAHL)
JUDGE”

In pursuance to the said order, a report has been submitted by Civil Judge (Jr. Division)-cum-Judicial Magistrate 1st Class, Faridabad. The relevant portion of the said report is reproduced hereinbelow:-

“v. This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily, without any pressure or undue influence between the complainant namely Rahul chauhan and the accused person namely Arbind Kumar Singh @ Arvind Kumar and Suraj Kumar and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence. Hence, the compromise is genuine and voluntary.

xxx xxx

*Rupam
Judicial Magistrate 1st Class,
Faridabad, 9.9.2022
(UID NO.HR-0557)”*

A perusal of the above said report would show that the

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 offenders 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 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***”, 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.317 dated 17.11.2018 under Sections 406,419,420 IPC, registered at Police Station Kheripul, District Faridabad (Annexure P-1) along with subsequent proceedings arising therefrom and **the order dated 15.02.2020, whereby bail of petitioner No.1 has been cancelled and the bonds have been forfeited to the State, are ordered to be quashed/set aside, qua the petitioners.**

22.09.2022

Ishwar

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No