

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

265

**CRM-M-33091-2020 (O&M)**

**Date of decision: 12.10.2022**

**DEEPAK @ DULICHAND**

....Petitioner

**Versus**

**SSTATE OF HARYANA AND ANOTHER**

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Yashveer Kharb, Advocate  
for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

Mr. Nitin Kadian, Advocate for  
Mr. Varun Singh Dhanda, Advocate  
for respondent No.2.

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**AMAN CHAUDHARY. J. (ORAL)**

Present petition has been filed for quashing of FIR No.30, dated 25.01.2020, under Sections 406, 420 and 506 of the Indian Penal Code, 1860 (Section 370 IPC added later on) registered at Police Station Sector 13-17, District Panipat and all other consequential proceedings arising therefrom on the basis of the affidavit (Annexure P-2).

Notice of motion was issued on 16.02.2021 and both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order, report dated 25.05.2021 has been received from the Judicial Magistrate 1<sup>st</sup> Class, Panipat. 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 and the compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that initially the FIR was lodged against two persons, however, finding the other person innocent, challan was presented only qua the petitioner. It is further stated that there is only one accused and one victim i.e., the complainant. The accused has not been declared as proclaimed offender. However, there are four other FIRs registered against the petitioner i.e. (i) FIR No.147 of 2020 under Sections 406 and 420 IPC and 24 of the Immigration Act, registered at Police Station Madhuba, Karnal; (ii) FIR No.341 of 2020 under Sections 406, 420 and 370 IPC and 24 of the Immigration Act, registered at Police Station Murthal, Sonipat; (iii) FIR No.138 of 2020 under Sections 406, 420 and 370 and 24 of the Immigration Act, registered at Police Station Israna, Panipat and; (iv) FIR No.139 of 2020 under Section Sections 406, 420 and 370 and 24 of the Immigration Act, registered at Police Station Madhuban, Karnal.

Learned counsel for the petitioner has produced the copies of the orders passed by the co-ordinate Benches of this Court, wherein, all the above-mentioned four FIRs have been quashed on the basis of compromise arrived at between the parties.

A perusal of the same shows that FIR No.147 dated 05.06.2020 has been quashed vide order dated 19.04.2021 passed in CRM-M-42211 of 2020; FIR No.341 dated 21.10.2020 has been quashed vide order dated 07.04.2021 passed in CRM-M-40553 of 2020; FIR No.138 dated 28.05.2020 has been quashed vide order dated 17.02.2021 passed in CRM-M-29568 of 2020 and FIR No.139 dated 28.05.2020 has been quashed vide order dated 23.03.2021 passed in CRM-M-42148-2020.

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 petitioner(s) and the complainant(s). 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.30, dated 25.01.2020, under Sections 406, 420 and 506 of the Indian Penal Code, 1860 (Section 370 IPC added later on) registered at Police Station Sector 13-17, District Panipat and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

(AMAN CHAUDHARY)  
JUDGE

October 12, 2022

S.Sharma(syr)

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |