

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.270

CRM-M-34857-2022

Date of Decision: September 12, 2022

Gurbaj Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Manpreet Ghuman, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Ms. Prabhjot Kaur, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.66, dated 05.02.2017, under Sections 323, 452, 34, 148 and 149 of the IPC, registered at Police Station Pehowa, District Kurukshetra, and all other consequential proceedings arising therefrom on the basis of the compromise 03.08.2022 (Annexure P-2).

On 06.08.2022, this Court had passed the following order:-

“CRM-28225-2022

The instant application has been filed under Rule 3-A(1) chapter VI Part B, Volume V of the High Court Rules and Order for grant of leave to file the present petition.

In view of the averments contained in the application and arguments advance, the application is allowed and applicant is permitted to file the instant petition (CRM-M-34857 of 2022)

Application stands disposed of accordingly.

CRM-M-34857-2022

The petitioners have approached this Court under Section

482 of the Code of Criminal Procedure for seeking quashing of case bearing FIR No.66 dated 05.02.2017 under Sections 323, 452, 34, 148 and 149 of the Indian Penal Code registered at Police Station Pehowa, District Kurukshetra and all consequential proceedings arising therefrom on the basis of compromise dated 03.08.2022 (Annexure P-2) entered into between the parties.

Notice of motion.

At this stage, Kanwar Sanjiv Kumar, AAG, Haryana, appears and accepts notice on behalf of respondent No.1-State.

Ms. Prabhjot Kaur, Advocate, appears on behalf of respondent No.2 and admits the execution of compromise (Annexure P-2).

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement, on 22.08.2022 or on any other date as convenient to the Court.

The Illaq Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings; and*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

To come up on 18.10.2022 for further consideration.

Reply by respondent No.1-State be filed on or before the next date of hearing, if so desired.”

Thereafter, an application for impleadment of injured persons as respondent Nos.3 and 4 allowed by this Court vide order dated 10.08.2022 and the injured were impleaded as respondent Nos.3 and 4.

Accordingly, they were also directed to appear before the trial Court/Area Magistrate to get their statements recorded, in terms of the order dated 06.08.2022.

Pursuant to the aforesaid order, report dated 29.08.2022 has been received from the Sub Divisional Judicial Magistrate, Pehowa. The relevant portion of the said report is as under:-

“From the statements of parties and perusal of the documents, it is observed that:-

- 1. FIR was registered against accused Khushdeep Singh, Gurbaj Singh, Mukhtiar Singh, Harman Singh and others. Whereas, final report in present case was presented against accused Khushdeep Singh and Gurbaj Singh and remaining accused were found innocent during investigation.*
- 2. None of the accused has been declared proclaimed offender*
- 3. The case is at the stage of procuring presence of accused Gurbaj Singh.*
- 4. Compromise appears to be genuine and voluntary without any threat or coercion.”*

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. It is stated in the report that there are two accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender.

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.66, dated 05.02.2017, under Sections 323, 452, 34, 148 and 149 of the IPC, registered at Police Station Pehowa, District Kurukshetra, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 12, 2022

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**(AMAN CHAUDHARY)
JUDGE**

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