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

CRM-M-36541-2022  
Date of decision : 15.09.2022

Vineet Sharma and others

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Naresh Kaushik, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Nipun Bhardwaj, Advocate for respondent Nos.2 to 5.

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.119 dated 14.06.2022, registered under Sections 148, 149, 324 and 506 IPC (Section 326 IPC has been added later on), at Police Station Sector 20, District Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.08.2022, this Court had passed the following order:-

*“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.119 dated 14.06.2022, registered under Sections 148, 149, 324 and 506 IPC (Section 326 IPC has been added later on), at Police Station Sector 20, District Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise.*

*Learned counsel for the petitioners as well as learned counsel for respondents No.2 to 5 have jointly submitted that in the present case, all the accused persons and victims have been made parties and have further submitted that Sahil Verma is not a victim, rather he is an accused and has been made petitioner No.6 in the present petition.*

*Notice of motion for 15.09.2022.*

*On the asking of the Court, Mr. Dhruv Shah, AAG, Haryana accepts notice on behalf of respondent No.1. Mr. Nipun Bhardwaj, Advocate, appears on behalf of respondents No.2 to 5 admits the factum of compromise.*

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

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Panchkula. The relevant portion of the said report is reproduced hereinbelow:-

*“1. As per statement of parties present and the challan and the report of Investigating Officer, there are nine accused facing trial in this case. With regard to the point as to*

*whether the accused have been declared proclaimed offender, it is submitted that the facts and circumstances of the present case and the report of investigating officer signify that **they have not been declared Proclaimed Person or Proclaimed Offender by any court of law in any other case.***

*2. This court is convinced that the compromise between the complainant and the accused is **genuine and voluntary as it is not the result of undue influence or pressure in any manner and is out of their free will.** The complainant and the accused have maintained uniformity in regard to the validity of compromise.*

*3. With regard to the point as to whether any other criminal case is pending against the accused, it is submitted that as per the report of Investigating Officer, the accused **Sachin S/o Ram Babu has another criminal case bearing FIR No. 257 dated 01.06.2022, u/s 392, 394, 397, 120-B, 411, 34 IPC registered at P.S. Sector-5, Panchkula** pending against him besides the present case. No other criminal case is pending against the other accused persons except the present one.*

*4. As per the report of Investigating Officer, there are only one **complainant namely Raj Chauhan** in the present FIR. With regard to the point regarding the number of victims in the present FIR, it is submitted that there are three victims namely **Abhishek, Rohan and Vikas** besides the **complainant Raj Chauhan** in the present FIR.*

*Hence, the detailed report is submitted for your kind perusal and information please.”*

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 petitioners has submitted that the petitioners were 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 to 5 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**”, 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.119 dated 14.06.2022, registered under Sections 148, 149, 324 and 506 IPC (Section 326 IPC has been added later on), at Police Station Sector 20, District Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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**