

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

293

CRM-M- 31651-2019
Decided on : 16.05.2022

Suresh Pal

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Puneet Pali, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 235 dated 19.08.2015 under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Naraingarh, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

On 31.01.2020, a Coordinate Bench of this Court was pleased to pass the following order:

“This is a petition for quashing of FIR No. 235 dated 19.08.2015 under Sections 406, 420, 120-B IPC registered at Police Station Naraingarh, District Ambala and all consequential proceedings arising therefrom on

the basis of compromise dated 30.01.2019 (Annexure P-2).

Mr. Puneet Pali, Advocate has put in appearance on behalf of respondent No.2 and has filed his power of attorney, which is taken on record. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 17.02.2020 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. In the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*

Report of the Illaqa Magistrate/trial Court be awaited for 18.03.2020.

*Pardeep
31.01.2020*

*Sd/-
(SUVIR SEHGAL)
JUDGE”*

In pursuance of the said order, a report has been submitted
by the Judicial Magistrate 1st Class, Naraingarh to the Registrar of this

Court. The relevant portion of the said report is reproduced hereinbelow:-

“Today, 17.02.2020, in compliance of order dated on 31.01.2020 passed by the Hon'ble High Court passed in CRM-M-31651 2019 titled as Suresh Pal Versus State of Haryana and another, the statement of the complainant Rajinder Kaur and the statement of accused Suresh Pal were recorded. The complainant was identified by Shri Munish Bakshi, Advocate and the accused Suresh Pal was identified by Shri Sumit Parkash, Advocate. The statements were read over and explained to the complainant and the accused person, who later put their signatures in the presence of their respective counsel.

It was made clear to the complainant that she was not bound to make any statement. Her statement was recorded after asking her the preliminary questions. In view of the statement of the complainant and the accused person, this Court is of the opinion that the complainant has entered into the compromise with the accused Suresh Pal voluntarily and without any fear or pressure.

Submitted Please.”

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the petitioner 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.

As per the above-reproduced report, there are four accused persons in the present case and the present petition has been filed by only one accused i.e. the present petitioner and a prayer has been made by counsel for the petitioner as well as the counsel for respondent No. 2 that the FIR be quashed qua the present petitioner.

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court titled as **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as 2012 (12) SCC 401, to contend that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioner has also relied upon the judgment dated 04.07.2019 passed in **CRM-M-16318-2018** titled as **Dalip Mandal and another Vs. State of U.T., Chandigarh and others** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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 bring out peace and amity between the 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 petitioner 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. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 235 dated 19.08.2015 under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Naraingarh, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the present petitioner.

(VIKAS BAHL)
JUDGE

May 16th, 2022
Mehak

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