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

CRM-M-40978-2021

Date of decision : 16.12.2022

Parkash Kaur

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kamaldeep Singh Redhu, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Govind Mor, Advocate for

Mr. Baljinder Singh, 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.325 dated 08.09.2016 registered under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 at Police Station Matlauda, District Panipat and all the subsequent proceedings arising therefrom on the basis of compromise.

On 01.10.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“By this petition, the petitioner seeks quashing, on the basis of a compromise arrived at between her and respondent no.2, of FIR no.325, dated 08.09.2016, registered at Police Station Matlauda, District Panipat, for

the alleged commission of offences punishable under the provisions of Sections 420,467,468 and 471 of the IPC, as also all other subsequent proceedings arising therefrom . A copy of the compromise deed dated 01.09.2021 has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr.Neeraj Poswal, AAG Haryana accepts notice at the asking of the court on behalf of respondent no.1, with Mr. Baljinder Singh, Advocate, appearing for respondent no.2. He will file a power of attorney duly executed by respondent no. 2 in her favour well before the next date of hearing.

A copy of the petition be emailed to both learned counsel by counsel for the petitioner today itself

Adjourned to 20.12.2021.

In the meanwhile, the petitioner, as also respondent no.2, would appear before the learned trial court/Ilaqa Magistrate upto 25.11.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases registered against the petitioners of like nature or

otherwise.

01.10.2021

Sd/-(AMOL RATTAN SINGH)
JUDGE”

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

“In my opinion, in view of the statements of the complainant and the accused, the matter has been between the said parties voluntarily without any pressure, coercion and undue influences from any corner.

Statement of I.O/PSI Deepak, P.S. Matlauda, Panipat also recorded. As per the statement of I.O/PSI Deepak, the information as sought by the Hon'ble High Court is also submitted here as under:

- 1. As per the statement of IO/PSI Deepak, six persons were arrayed as accused in the present F.I.R.*
- 2. As per the statement of I.O/PSI Deepak, no accused is Proclaimed offender/person in the present FIR.*

Further, as per the status report of I.O/PSI Deepak, no other criminal case is pending against the accused persons.

Perusal of record shows that there is only one complainant Kaur and as per statement of I.O. besides applicant/accused Parkash Kaur there are five other accused in the present case and out of which accused Lakhvinder Singh is stated to have died and his death report is awaited for 03.02.2022 i.e., date already fixed. So, except the applicant/accused Parkash Kaur none of the other remaining accused is party to said compromise between complainant Gurdas Kaur and applicant/accused Parkash Kaur.”

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.

A perusal of the above report would show that in the present case, there are six accused persons, out of which, only one accused person i.e. the present petitioner has filed the present petition for quashing of FIR on the basis of compromise.

Learned counsel for the petitioner has submitted that the petitioner was 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 the petitioner has also submitted that the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another**, reported as **2012(12) SCC 401** to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

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 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**”, 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.325 dated 08.09.2016 registered under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 at Police Station Matlauda, District Panipat and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

16.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No