

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

225

CRM-M-38788-2020  
Decided on : 21.02.2022

Amit Kumar

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

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

**PRESENT:** Mr. Dhruv Gupta, Advocate  
for the petitioner.

Mr. Munish Sharma, Asst. A.G. Haryana.

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

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 354 dated 15.11.2019 under Sections 406, 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1983 (added later on) registered at Police Station Mahesh Nagar, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 20.12.2021, the following order was passed:-

**“CRM-42725-2021**

*This is an application under Section 482 Cr.P.C. for preponing the date of hearing from 21.04.2022 to an early date on the ground that the matter has been compromised between the petitioner and respondent no.2 and in fact the compromise was also effected between the other co-accused and respondent*

*no.2 and their quashing petition has already been allowed by this Court vide order dated 14.12.2021.*

*Learned counsel for the applicant-petitioner has submitted that the applicant-petitioner and respondent no.2 will appear before the trial Court within a period of 15 days from today to get the statements recorded with respect to compromise.*

*Learned State counsel has no objection in case the present application is allowed and the case is preponed.*

*In view of the above, the present application is allowed and the main petition is preponed from 21.04.2022 to today. The main petition is taken up on Board for hearing.*

**CRM-M-38788-2020**

*This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.354 dated 15.11.2019 registered under Sections 406/420 IPC and Section 24 of the Immigration Act, 1983 (added later on) at Police Station Mahesh Nagar, District Ambala and all other consequential proceedings arising therefrom on the basis of compromise dated 29.06.2020 (Annexure P-2).*

*Learned counsel for the petitioner has submitted that all the persons concerned are party to the 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 said order, a report has been submitted by the Judicial Magistrate 1st Class, Ambala to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

*“Investigating Officer Sunil Kumar. Head Constable had reported that the instant case bearing FIR No.354 dated 15.11.2019, under Sections 420 & 406 of IPC and 24 of Emigration Act, 1983, Police Station Mahesh Nagar, was registered on the complaint of Abhishek Sharma son of late Shri Jaggan Nath Sharma. There are two persons named Amit and Bhagwant Singh arrayed as accused in this case. He further reported that none of the accused is proclaimed offender/person in this case.*

*From the statements of the parties, I am of the opinion that the compromise is genuine, voluntary and without any coercion or undue influence. Copies of statements of the complainant, accused Amit and Sunil Kumar, Head Constable alongwith copies of their Adhar-Cards are enclosed here-with for kind perusal of the Hon'ble High Court, please.*

*Thanking you.”*

A perusal of the said report would show that 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. It has further been stated that as per the Investigating Officer, there were two accused in the present case namely Amit and Bhagwant Singh.

Learned counsel has pointed out that Bhagwant Singh had already approached this Court by filing CRM-M-26610-2021 under Section 482 Cr.P.C. for quashing of FIR qua him on the basis of compromise. This Court, vide order dated 14.12.2021, was pleased to allow the said petition qua him on the basis of compromise. It is submitted that the second accused is the present petitioner Amit Kumar and other than Bhagwant Singh and Amit Kumar, there is no other accused.

Learned counsel for the petitioner has submitted that the petitioners was never declared proclaimed offender in the present case and is not involved in any other FIR.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

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. 354 dated 15.11.2019 under Sections 406, 420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act,

1983 (added later on) registered at Police Station Mahesh Nagar, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)  
JUDGE

February 21<sup>st</sup>, 2022  
*Mehak*

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