

CRM-M No. 42521 of 2021
Reserved on 23.12.2021
Pronounced on : 05.01.2022

Santosh Kumar GuptaPetitioner

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kunal Dawar, Advocate for the petitioner

 Mr. Rajat Gautam, DAG, Haryana

 Mr. Chander Singh Rana, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
705	27.10.2017	Sector 31, Faridabad, Haryana	406 and 420 IPC, 1860

The petitioner, who has been arraigned as an accused in the above captioned FIR, has come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise with the complainant.

2. The gist of the allegations against the petitioner is that he involved in various litigations allegedly pertaining to loan amount which was termed as chit fund. A perusal of the petition *prima facie* makes point that litigation is more civil in nature than criminal.

3. During the pendency of the petition, the accused and the complainant have compromised the matter, and its copy is annexed with this petition as Annexure P-5 . After that, the petitioner has come up before this Court to quash the FIR, and in the quashing petition, the complainant has been impleaded as respondent(s).

4. On the prayer of the parties in the present petition, the Court vide order dated 02.12.2021 had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Sessions Court's report, the victim(s), without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. As per report of Judicial Magistrate 1st Class, Faridabad, the statement of complainant-respondent No.2 as well as statement of accused were recorded on oath in which they stated that the matter has been amicably settled between them with the intervention of respectable members of the society. The compromise arrived at between them is genuine, voluntarily and without any coercion. The complainant further stated that he has no objection in case FIR is quashed

6. The following aspects would be relevant to conclude this petition: -

- a) The accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;
- c) The victim has willingly consented to the nullification of criminal proceedings;
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, habitual, or professional offender;
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family and society;
- i) The ends of justice would justify the exercise of the inherent power by quashing the FIR and the consequent proceedings.

7. In the present case, the offence under sections 420 of Indian Penal Code (IPC) are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

8. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

9. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated.”

10. Given above, because of the compromise, this is a fit case where the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure is invoked to quash the proceedings mentioned above. In the facts and circumstances peculiar to this case, the petition is allowed in the aforementioned terms. The FIR and other proceedings captioned above, with all consequential proceedings arising therefrom, are hereby quashed qua the present petitioner. The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

January 05, 2022
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Whether speaking/reasoned: Yes
Whether reportable: No