

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40141-2022

Date of decision : 28.09.2022

Rovil Sablok and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Chanchal K. Singla, Advocate
for the petitioners.

Mr.Dhruv Sihag, AAG, Haryana.

Mr.Kunal Dawar, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.21 dated 04.02.2021 registered under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Gurugram, Sector 53, and all other consequential proceedings arising therefrom on the basis of compromise.

On 05.09.2022, this Court was pleased to pass the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.21 dated 04.02.2021, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC, at Police Station Gurugram, Sector 53, and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 28.09.2022.

On the asking of the Court, Mr. Munish Sharma, AAG, Haryana, accepts notice on behalf of respondent No.1.

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.*

September 05, 2022 **(VIKAS BAHL)**
JUDGE”

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

“1. As regards number of persons arrayed as accused is concerned, it is submitted that till date four accused persons namely Harish Kumar Rampal, Rovil Sablok, Pooja Sablok and Aru Nanda have been joined in the investigation and they have been arrayed as accused. However, the accused Harish Kumar Rampal has died and his death verification report has been received on 13.10.2021 that he has died on 22.09.2021. Therefore, as on date there are three persons who are arrayed as accused namely Rovil Sablok, Pooja Sablok and Aru Nanda. It is further submitted that investigation of present case is still pending. This is supported by the statement of investigating officer recorded on 19.09.2022.

xxx xxx xxx

3. This court is convinced that the compromise between the complainant Sanjay Singh Tanwar, Director of M/s Starcrest Service Private Limited and the accused Rovil Sablok, Pooja

Sablok and Aru Nanda is genuine, voluntary and valid, as it is not the result of any undue influence or coercion. The complainant and the accused have maintained uniformity in regard to the validity, of compromise. The respective affidavits of the complainant and accused (Ex.C2. Ex.C4, Ex C6 and Ex.C8) on record further give momentum to the validity and authenticity of the compromise.

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5. With regard to the report regarding number of victims/complainants it is submitted that the statement of investigating officer was recorded in which it was stated that there is only one victim/complainant namely Sanjay Singh Tanwar. Director of M/s Stercrest Service Private Limited.”

A perusal of the above report would show that there are four accused as on date and the investigation is still pending and out of four accused, one person has died and other three accused have filed the present petition and the compromise with the three petitioners is genuine and bonafide.

Learned counsel for the petitioners 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 petitioners has also relied upon the judgment dated 04.07.2019 passed in CRM-M-16318-2015 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 State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

Learned counsel for respondent no.2-complainant has pointed out that the FIR qua the three petitioners be quashed as the investigation is still pending and there is likelihood that other persons may be found involved in the present case. He 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***”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.no.21 dated 04.02.2021 registered under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Gurugram, Sector 53 and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

It is further clarified that in the present case the investigation would continue as the present FIR has been quashed only qua the present three petitioners with whom the matter has been compromised by the complainant.

September 28, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No