

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296

CRM-M-43759-2021
Decided on : 15.12.2022

Veeru @ Virender and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Kamal Goyal, Advocate and
Mr. Wazir Singh, Advocate for
Mr. Johan Kumar, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Akshit Mehta, Advocate for
Mr. J. S. Rozera, Advocate
for respondents No. 2 to 5.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of
FIR No. 215 dated 08.05.2021 under Sections 147, 149, 323, 341, 379-
B and 506 of the Indian Penal Code, 1860 (Section 325 IPC added later
on) registered at Police Station Adarsh Nagar, District Faridabad
(Annexure P-1) and all subsequent proceedings arising on the basis of
the compromise.

On 25.10.2021, a coordinate Bench of this Court was
pleased to pass the following order:-

*“The matter has been taken up through video
conferencing.*

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana. and Mr. J. S. Rozera Advocate accept notice on behalf of respondent No.1 and respondents No. 2 to 5, respectively.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of FIR No.215 dated 08.05.2021 registered under Sections 147, 149, 323, 341, 379-B and 506 IPC (Section 325 IPC added later on) at Police Station Adarsh Nagar, Faridabad on the strength of a written compromise (Annexure P-2) entered into between the parties.

The petitioners as also respondents No.2 to 5 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 03.11.2021 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate/Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 08.02.2022. ”

In pursuance of the said order, a report has been submitted
by the Additional District & Sessions Judge, Faridabad to the Registrar

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

“This court in order to comply with the above stated order and to furnish the report recorded the statements of complainant Yogesh Bhati and that of injured namely Kapil, Manish and Manoj. They have stated that they had settled the dispute with the accused persons namely Dharmu alias Dharmender, Veeru alias Virender, Rajan, Nitin, Gulshan, Harry alias Hari Om, Sunny, Arun Kumar Raghav alias Bajrangi. Statement of investigating officer SI Subhash Chand 571, P.S.Crime Branch Unchagaon, Ballabgarh was also recorded. That apart statement of accused Dharmu alias Dharmender, Veeru alias Virender, Rajan, Nitin, Gulshan, Harry alias Hari Om, Sunny and Arun Kumar Raghav have also been recorded.”

A perusal of the above report would show that it has been stated that the statements of the complainant as well as the petitioners have been recorded in the case and they 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.

Learned counsel for the petitioners has further submitted that none of the petitioners were declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that the abovesaid fact is correct.

Learned counsel for respondents No. 2 to 5 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 as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioners and the complainant and the present FIR having been compromised deserves to be quashed. 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. 215 dated 08.05.2021 under Sections 147, 149, 323, 341, 379-B and 506 of the Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Adarsh Nagar, District Faridabad (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioners.

15.12.2022

Mehak

1.

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No