

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44821-2021

Date of decision:12.10.2022

Jyot Jagrit Malhotra

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Bhushan, Advocate for
Mr. Tarun Dhingra, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.502 dated 17.08.2021, registered under Sections 406,420,467,468 IPC at Police Station Krishana Gate, Thanesar, District Kurukshetra (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

On 29.11.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“[Through Video Conferencing]

- 1. Notice to respondents.*
- 2. Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana, waives notice on behalf of respondent No. 1-State.*
- 3. Notice to private respondent No. 2, on steps being taken within a week, returnable within three weeks.*
- 4. Before proceeding to quash FIR No. 0502 of 17.08.2021 (Annexure P-1), registered at Police Station Krishna Gate, Thanesar, Kurukshetra, constituting therein offences under Sections 406, 420, 467, 468 of the IPC, it is deemed*

appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioner, and, respondent No.2, and, after recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).

5. The learned Illaqa Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; and (c) whether the prosecution evidence has commenced.

6. The afore made report be ensured to be transmitted to this Court within three weeks.

7. For the afore purpose, list on 22.02.2022.

November 29, 2021

(SURESHWAR THAKUR)
JUDGE”

In pursuance to the said order, a report has been submitted by

Judicial Magistrate First Class, Kurukshetra. The relevant portion of the

said report is reproduced hereinbelow:-

“With reference to the subject cited above, I have the honour to submit that in pursuance of order dated 29.11.2021 passed by the Hon'ble Punjab and Haryana High in CRM-M No.44821 of 2021, parties i.e. complainant Ranjeet Singh and accused Jyot Jagrit Malhotra appeared before the undersigned on 16.12.2021, on which date they made statement that they have compromised the matter. Complainant Ranjeet Singh stated that he does not want to pursue the proceeding against the accused Jyot Jagrit Malhotra. The parties were also orally questioned by the undersigned regarding genuineness and validity of the compromise and they stated that they have entered into the compromise voluntarily by their own free will. Both the parties were identified by their counsel, respectively. After going through the statements of the parties, I am of the view that parties have actually entered into a compromise by their free-will and the said compromise is genuine. Copy of the statements of the parties is enclosed herewith.

It is further submitted that no final report under Section 173 Cr.P.C. has been filed, till date.

Thanking you,

Yours faithfully.

(Sandeep Kaur)”

A perusal of the above said report would show that the

petitioner and complainant/respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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

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.502 dated 17.08.2021, registered under Sections 406,420,467,468 IPC at Police Station Krishana Gate, Thanesar, District Kurukshetra (Annexure P-1) along with all other consequential proceedings emanating therefrom are ordered to be quashed/set aside, qua the petitioner.

12.10.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No