

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.230

CRM-M-40181-2020

Date of Decision: September 09, 2022

Arun Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. Khushika Setia, Advocate for
Mr. S.P.S. Chakkal, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Brijmohan, Advocate for
Mr. Sanjay Khan, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.155, dated 17.04.2019, under Sections 406, 420, 419, 465, 468 and 471 of the IPC, registered at Police Station Thanesar Sadar, District Kurukshetra, and all other consequential proceedings arising therefrom on the basis of the compromise deed (Annexure P-2).

On 29.07.2022, this Court had passed the following order:-

“ This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 155, dated 17th April, 2019, under Sections 406 and 420 of Indian Penal Code, 1860, registered at Police Station Thanesar Sadar, District Kurukshetra and all other subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. Gurmeet Singh, Assistant Advocate General, Haryana and Mr. Kanhiya Soni, Advocate for Mr. Sanjay Khan, appearing on advance notice accept the same on behalf of

respondents No. 1 and 2 respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 8th August, 2022.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender;*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 9th September, 2022. ”

Pursuant to the aforesaid order, report dated 09.08.2022 has been received from the Additional Chief Judicial Magistrate, Kurukshetra. The relevant part of the said report is as under:-

“Further the information sought by Hon'ble High Court in the above said order is given as under:

1) Number of persons arrayed as accused in FIR.

There are four accused, who have been arrayed in FIR. However, since nothing incriminating evidence was found against Dushyant Rana, Saganpreet alias Preet and Ekta Sharma, therefore, they were discharged by the police. At the present there is only one accused facing trial in the Court.

2) Whether any accused is proclaimed offender;

No

3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner. ”

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have

no objection in case the FIR in question is quashed. It is stated in the report that there are four accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.155, dated 17.04.2019, under Sections 406, 420, 419, 465, 468 and 471 of the IPC, registered at Police Station Thanesar Sadar, District Kurukshetra, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 09, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No