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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-38000-2019

Date of decision : 19.04.2022

Sanjeev and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munish Garg, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Yashveer Kharb, Advocate for respondent Nos.2 to 7.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.107 dated 27.03.2014 registered under Sections 323/325/506 of the Indian Penal Code, 1860 at Police Station Mahesh Nagar, Ambala, District Ambala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 09.09.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioners contends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. Arun Beniwal, DAG

Haryana accepts notice on behalf of respondent No.1-State.

Mr. Yashveer Kharb, Advocate, who is present in the Court, appears and files Power of Attorney on behalf of respondents No.2 to 7 and the same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to learned counsel for the respondents during the course of the day.

Petitioners shall file their affidavit(s) before learned trial Court that there is no other criminal case pending against them and also give the details of any other FIR(s), if any, which have already been quashed on the basis of compromise.

In view of above, let the parties be appeared before the Court of learned Illaqa Magistrate/trial Court on 23.10.2019 to record their statements with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court, before the next date of hearing, containing the following information:-

- (i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii) Whether the compromise effected between the parties is genuine and valid?*
- (iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- (iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?*

(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi) Whether any of the petitioner(s) is/are previous convict or not?

List before this Court on 13.11.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

A copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.

Sd/-(MAHABIR SINGH SINDHU)

JUDGE

September 09, 2019 ”

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

“Separately, report of the concerned Investigating Officer was also sought. Harpal Singh, SI has made a statement in writing that present case was registered on the complaint made by Devinder Singh. In the present case, complainant Devinder Singh and his wife Radha were the injured-victim in this case. Present FIR was registered against accused Parveen, Sanjeev, Rinku, Bittu, Pawan and Kamla Devi. However, accused Bittu, Pawan and Kamla Devi were not challaned and were kept in column No.2 as they were not found involved in this case. So, challan was filed only against accused Parveen, Sanjeev and Rinku. He further stated that none of the persons involved in this case were declared proclaimed offender and none of the accused was ever convicted in any other case. Further, no other case is pending against any of the parties to the present case.

From the statements of the parties, I am of the opinion that the compromise is bonafide, genuine, voluntary and without any pressure or coercion etc. Copies of the statements of the parties and that of SI Harpal Singh are enclosed here-with for kind consideration of the Hon'ble High Court, please.

Thanking you,

Yours faithfully,

Sd/- (Vinod Kumar)

Judicial Magistrate 1st Class,

Ambala. UID No.HR-0355.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both 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.

A perusal of the above report would also show that although, there were six accused initially in the FIR but challan was presented only against the petitioners and the other three were kept in column No.2.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent Nos.2 to 7 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 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**”, reported as **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**”, reported as **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.107 dated 27.03.2014 registered under Sections 323/325/506 of the Indian Penal Code, 1860 at Police Station Mahesh Nagar, Ambala, District Ambala and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

19.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No