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

CRM-M-46474-2021

Date of decision : 03.03.2022

Vishnu Chaudhary

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kartik, Advocate for
Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Shreesh Kakkar, Advocate for
Mr. Ankit Mittan, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.92 dated 22.06.2016 registered under Sections 313, 323, 354(A)(1), 498-A, 406 and 506 of the Indian Penal Code, 1860 at Police Station Women Police Station Faridabad, District Faridabad and all the subsequent proceedings arising therefrom on the basis of compromise.

On 24.11.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Petitioner is seeking quashing of FIR No. 92 dated 22.06.2016, under Section 313, 323, 354(A)(1), 498-A, 406 and 506 IPC, 1860 registered at Police Station Women,

District Faridabad on the basis of compromise.

Learned counsel for the petitioner states that the matrimonial dispute has been amicably settled, the petitioner is the only person who has been arrayed as an accused and divorce has been granted on 22.10.2021. It has further been stated that the charge has been framed with regard to offence under Section 498-A, 354, 323 and 406 IPC.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana accepts notice on behalf of the State.

Mr. Ankit Mittan, Advocate has put in appearance on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 07.01.2022 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate 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 in FIR.*
- 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 case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 03.03.2022 to await the report.

Sd/-(VIVEK PURI)

24.11.2021

JUDGE ”

In pursuance of the abovesaid order, a report has been submitted by the Civil Judge (Junior Division), Faridabad. The relevant portion of the said report is reproduced hereinbelow:-

“In compliance of order dated 24.11.2021, it is reported that:-

- 1. Two persons have been arrayed as accused in FIR and they have come present before the Court.*
- 2. Both the accused have not been declared proclaimed offender/absconder by any Court of law.*
- 3. The compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. As per statement of ASI Babita-2717, as per record, accused Vishnu and Parveen son/(s) Sh. Rambir Singh are accused in another FIR bearing No.231 dated 3.5.2021 under Sections 147, 452, 504, 336, 323 & 506 IPC, P.S. Iglas, District Aligarh, and same is pending.*

The undersigned is of considered view that the parties have settled this matter voluntarily and out of their free will. The compromise effected them is genuine.

Statements recorded before the Court in original, are annexed herein for your kind consideration. Report is submitted, please.

Thanking You,

*Yours faithfully,
Sd/- (Asmita Deswal)”*

A perusal of the said report would show that although in the petition, only one petitioner has been made as party but there are two accused persons and in addition to the petitioner even his brother Praveen Kumar is also an accused. A perusal of the statement of the complainant would show that she has compromised the matter both with present

petitioner and Praveen Kumar and has stated that she has no objection in case FIR against the said persons be quashed. Relevant portion of the said statement is reproduced hereinbelow:-

“Statement of complainant: Ms. Kritika alias Geetika, daughter of Sh. Gurmail Singh, age 38 years, resident of H.No.2647, Sector-21, Panchkula, Haryana.

On S.A.

Stated that in the matter under FIR no.92 of 2016, under Sections 498-A, 354A, 406, 506 IPC, PS Women, Faridabad, I have arrived at a compromise with the accused persons, namely, Vishnu Chaudhary and Parveen Kumar @ Pushpender. As per the settlement and accordingly divorce decree granted vide order dated 22.10.2021 by the Ld. Court of Ms. Kumud Gugnani, Principal Judge, Family Court, Faridabad, all the matters/disputes have already been settled between us. The proceeds of the settlement has been fully satisfied. I have no objection, if the present FIR against the accused persons is quashed. I am making this statement voluntarily, wilfully and without any pressure, threat or coercion from any quarter.

RO & AC

Sd/- Kritika

Sd/- (Asmita Deswal)

Judicial Magistrate, Ist Class,

Faridabad. 07.01.2022

UID No.HR0424

Identified by:

Dheeraj Yadav, Advocate”

The statement of Praveen Kumar in addition to the statement of Vishnu Chaudhary (present petitioner) has also been recorded with respect to the said compromise.

Learned counsel for the petitioner has submitted that the

petitioner and Praveen Kumar were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondent No.2 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. He has further submitted that since the entire matter has been compromised and the complainant herself has given statement that the matter has been settled with both the accused persons, thus, she has no objection in case the entire FIR against both the accused persons i.e. the present petitioner and his brother Praveen Kumar, who is brother-in-law of respondent No.2, is quashed.

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.

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 accused 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.92 dated 22.06.2016 registered under Sections 313, 323, 354(A)(1), 498-A, 406 and 506 of the Indian Penal Code, 1860 at

Police Station Women Police Station Faridabad, District Faridabad and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed.

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

03.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No