

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(252)

CRM-M-43193-2020

Date of decision: - 27.05.2022

Rakesh Kumar and another

....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Manoj Pundir, Advocate,
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ankit Joshi, Advocate,
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.215 dated 03.12.2020, registered under Section 420 of the Indian Penal Code, 1860 at Police Station Radaur, District Yamuna Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.12.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR on the basis of compromise.

Notice of motion for 25.02.2021.

Mr. Ankit Joshi, Advocate appears on behalf of respondent

No.2.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 04.01.2021 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

**(RAJ MOHAN SINGH)
JUDGE”**

21.12.2020

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“4. Parties (complainant Om Parkash and accused Rakesh Kumar and Anoop Singh) have appeared before the court for recording their statements with regard to the compromise/settlement. Complainant Om Parkash has stated that he has entered into a compromise with accused Rakesh Kumar and Anoop Singh in case bearing FIR No. 215 dt. 3.12.2020, under Sections: 420 IPC registered at P.S. Radaur and now there is no dispute and grievance against above named accused. He further stated that he has entered into compromise with above named accused voluntarily, without any coercion or undue influence.

5. Accused Rakesh Kumar and Anoop Singh have also suffered a joint statement to the effect that the matter in dispute involved in case bearing FIR No. 215 dated 3.12.2020, under Section 420 IPC registered at P.S. Radar has been amicably resolved and compromised by them through respectable of society with complainant Om Parkash son of Samay Singh. They have not created any kind of undue influence or thereat upon victim/complainant for the abovesaid compromise.

6. Complainant/victims and accused persons have been identified by their respective counsels.

7. This Court also questioned before the parties in open

Court whether they have entered into compromise voluntarily without any pressure or threat from any corner, to which they answered in affirmative.

8. *From above facts, it is evident that parties have arrived at compromise voluntarily, without any pressure, threat, or coercion to bury their differences. This Court is satisfied that compromise is genuine and valid.*

Submitted please.

Dated : 4.1.2021

(Amit Gautam)

Judicial Magistrate 1st Class

Yamuna Nagar at Jagadhri

UID No.HR0289.”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntary and without any pressure or threat from any corner.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is 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 parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court,

this Court finds that the matter has been amicably settled between the petitioners 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 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, this petition is allowed and FIR No.215 dated 03.12.2020, registered under Section 420 of the Indian Penal Code, 1860 at Police Station Radaur, District Yamuna Nagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

May 27, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No