

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

CRM-M-44661-2022

Date of decision : 20.10.2022

Mohd Altaf Hussain and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.81 dated 16.04.2021 registered under Sections 344, 406, 420, 466, 468, 471, 120-B IPC of the Indian Penal Code, 1860 at Police Station City Nuh, Haryana and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.09.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.81 dated 16.04.2021 registered under Sections 344, 406, 420, 466, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station City Nuh, Haryana and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 20.10.2022.

On asking of the Court, Mr. Dhruv Sihag, AAG, Haryana appears and accepts notice on behalf of the respondent-State.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of two weeks.

The Illaqa Magistrate/trial Court 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.*
- 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 FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

28.09.2022

**(VIKAS BAHL)
JUDGE”**

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

- “(i) As per statement of Investigating Officer regarding point No.1 there are total four accused persons in this FIR namely Atlaf son of Moosa, Moosa son of Dalpat, Mohammadi wife of Moosa and Sabina @ Habbi D/o Moosa.*
- (ii). As per the statement of Investigating Officer regarding point No.2 no accused has been declared Proclaimed Offender in this case.*
- (iii). In view of the statements of the parties recorded, I am satisfied that both the sets of parties have voluntarily entered into a compromise and not out of any pressure or coercion.*
- (iv). As per the statement of Investigating Officer regarding point No.4 no FIR is pending against all the above-mentioned four accused persons. (iv). As per the statement of Investigating Officer regarding point No.5 he has stated that there is only one complainant who herself is victim namely Naseema wife of Altaf Hussain”*

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.

After perusing the report submitted by the 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**”, 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.81 dated 16.04.2021 registered under Sections 344, 406, 420, 466, 468, 471, 120-B IPC of the Indian Penal Code, 1860 at Police Station City Nuh, Haryana and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

20.10.2022*Davinder Kumar***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**