

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

CRM-M-45948-2022

Date of decision : 03.11.2022

Harvinder Singh and others

...Petitioners

Versus

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

Today, the Lawyers have decided to abstain from appearing in the Court because of the call given by the Bar Association.

This is a first petition under Section 482 of Cr.P.C. for quashing of FIR No.683 dated 29.07.2022 registered under Sections 420, 406 IPC and Section 24 of the Immigration Act at Police Station Assandh, District Karnal, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 30.09.2022, 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.683 dated 29.07.2022 registered under Sections 420 and 406 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, at Police Station Assandh, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that in the

present case, there are four accused persons, out of which, three accused persons i.e. the present petitioners have filed the present petition for quashing of FIR on the basis of compromise and thus, the present case is a case of partial compromise and has relied upon judgment passed by the Hon'ble Supreme Court in Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, reported as 2012 (12) SCC 401 to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected.

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 and Ms. Ishita Jain, Advocate appears on behalf of respondent No.2 and has also reiterated the abovesaid facts as stated by learned counsel for the petitioners.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

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.*

30.09.2022 ”

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

“Statements of all the parties i.e. complainant Sahab Singh and accused persons (Harwinder Singh, Hardeep Kaur, Ankur)

were recorded on oath. All of them made statements to the effect that they have voluntarily and amicably settled the present case. The complainant further submitted that he has no objection if the present FIR is quashed. The accused Harwinder Singh, Hardeep Kaur, Ankur requested that in view of the statement given by the complainant the present FIR be quashed. The complainant and accused persons submitted that they have given the statements in the Court without any fear, pressure or coercion. In view of the statements given by the complainant and accused persons in the court, it appears that the compromise has been entered into voluntarily and without any pressure or influence from any side between complainant Sahab Singh and accused persons Harwinder Singh, Hardeep Kaur, Ankur.)

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Consequent upon the issuance of notice SI Shri Bhagwan appeared in the court on 14.10.2022 and submitted a detailed report. It was submitted by SI Shri Bhagwan that there are four accused, namely, Virender Singh, Harwinder Singh, Hardeep Kaur, Ankur in the present case and that there is only one complainant, namely, Sahab Singh. ”

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 has further been stated that in all there are four accused persons out of which three persons have filed the present petition.

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.

The Hon'ble Supreme Court in a case titled as ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another***, reported as **2012 (12) SCC 401**, has held that where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

The Co-ordinate Bench of this Court in the judgment dated 04.07.2019 passed in CRM-M-16318-2018 titled as ***Dalip Mandal and another Vs. State of U.T., Chandigarh and others*** was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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.683 dated 29.07.2022 registered under Sections 420, 406 IPC and Section 24 of the Immigration Act at Police Station Assandh, District Karnal, and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

03.11.2022

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No