

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

246

CRM-M-52357-2021

Decided on : 09.02.2022

Rajbir and others

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Aakash Juneja, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Kartik, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 9 dated 17.11.2018 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station HTM Hisar, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 02.12.2021 (Annexure P-2).

Learned counsel for the petitioners as well learned counsel for respondent No. 2 have jointly submitted that in the present case, the dispute is between respondent No. 2 and her in-laws. It is also submitted that there were several cases which were filed by both the parties against each other. The matter was referred to the Mediation and Conciliation Centre of this Court and in the same, a settlement/ compromise has been arrived at. The said settlement/compromise has been annexed as Annexure

P-2. Respondent No. 2- Preeti is shown to be second party in the said compromise. It has also been highlighted that as per paragraph 6 (ix), respondent No. 2 is also bound to make a statement to facilitate the quashing of the present FIR. Both the counsel have submitted that the compromise is genuine and voluntary and is without any coercion or undue influence. Both the parties have prayed that the said compromise would help in bringing peace and amity between the families and has prayed that the present petition be allowed and all subsequent proceedings arising therefrom be quashed on the basis of the said compromise.

Learned State counsel has submitted that he has no objection in case the FIR is quashed as the parties have compromised.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the Mediation and Conciliation Centre, 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***”, 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, the petition is allowed and FIR No. 9 dated 17.11.2018 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station HTM Hisar, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 02.12.2021 (Annexure P-2), are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

February 9th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No