

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(269)

CRM-M-41141-2019

Date of decision: - 31.03.2022

Parvinder Kumar

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Angel Sharma, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Sanjeev Kumar Bawa, 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.47 dated 07.08.2018, registered under Sections 323, 406, 498-A and 506 IPC, at Police Station Women Police Station, Panchkula, District Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.02.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Service of respondent No.2/complainant has been effected. However, despite an order dated 18th November, 2019, complainant has not put in appearance before this Court. Even her counsel has not appeared today.

The parties are directed to appear before the learned trial

Court/Illaq Magistrate on 03.03.2020 or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 30.04.2020.

Necessary information in this regard be served to the complainant through the investigating Officer.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

(JAISHREE THAKUR)

28th February, 2020

JUDGE”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1st Class, Panchkula, to the Assistant Registrar (Criminal) of this Court. The relevant part of the report is reproduced hereinbelow:-

“Today, the complainant made a statement on oath that matter has been compromised with Parvinder Kumar at her sweet will and without any pressure in the proceedings of FIR No.47 dated 07.08.2018, under Sections 323, 406, 498-A, 506 IPC registered at Police Station, Women, Panchkula. The compromise has already been submitted in the Hon'ble High Court. Further, she has no objection if the FIR is quashed against the accused. On the same day, the accused Parvinder Kumar made a statement on oath that the matter has been compromised with the complainant. He has heard the statement of complainant given in the court. It is further humbly submitted that as per the record available on court file, no PO proceeding is pending against any other accused in the present case. After recording the statements of complainant as well as accused, this court is of the considered view that both the parties have made their statements as per their own free will and without any pressure and compromise is

genuine and voluntarily. Original copy of the statements of the complainant and accused are being transmitted to the Hon'ble High Court for further proceedings.

Thanking you.

Yours faithfully,

*Monika Jangra,
Judicial Magistrate 1" Class,
Panchkula
UID No.HR0410"*

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.

Learned counsel for the petitioner has submitted that the petitioner has not been declared proclaimed offender. 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 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, this petition is allowed and FIR No.47 dated 07.08.2018, registered under Sections 323, 406, 498-A and 506 IPC, at Police Station Women Police Station, Panchkula, District Panchkula and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

March 31, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No