

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(243)

CRM-M-52873-2021

Date of decision: - 10.03.2022

Parveen and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ramnish Puri, Advocate, for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Mr. Neeraj Yadav, Advocate, for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No. 828 dated 06.12.2021, registered under Section 365 of IPC at Police Station Old Industrial Panipat, District Panipat and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.12.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Present petition has been filed for quashing of FIR No. 828, dated 06.12.2021, registered under Section 365 of IPC at Police Station Old Industrial Panipat, District Panipat, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live

peacefully, parties have entered into compromise on 14.12.2021 (Annexures P-1 & P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana, accepts notice on behalf of respondent No. 1 and Mr. Neeraj Yadav, Advocate, accepts notice on behalf of respondents No.2 & 3. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 24.02.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 10.01.2022 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a 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, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.*

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed.”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Panipat to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“As per the statement of I.O/A.S.I Virender, the information as sought by the Hon'ble High Court is also submitted here as under: -

- 1. As per the statement of I.O/A.S.I Virender, no name was arrayed as accused in the present F.I.R. So, no arrest of accused has been effected so far.*
- 2. As per the statement of LO/A.S.I Virender, since no name of accused was arrayed in present FIR and that no one has been arrested so far, so none has been declared as proclaimed person.*
- 3. Yes, the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.*
- 4. 4. As per the statement of LO/ASI Virender, besides the present F.I.R no other case is registered against accused persons Parveen, Sukesh, Sachin and Randeep.*
- 5. As per the statement of I.O/ASI Virender, in the present FIR, Rohit son of Somparkash is the only complainant whereas Jai Deep son of Ram Mehar is the victim person. They have also appeared before the court and their joint statement has also been recorded. As per directions of Hon'ble High Court, above named accused have also. got recored their joint statement before the court.*

Submitted for kind consideration, please.

Date of order: 14.01.2022

(Kapil)

Judicial Magistrate Ist Class,

Panipat

UID No. HR-0407."

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 coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offenders. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondents No.2 and 3 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 feel that the same was 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. 828 dated 06.12.2021, registered under Section 365 of IPC at Police Station Old Industrial Panipat, District Panipat and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

March 10, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No