

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233 (A)

CRM-M-53502-2021
Decided on : 15.02.2022

Sunil Kumar and others

. . . Petitioners

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vikrant Rana, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Sumit Sangwan, Advocate
for respondent No. 2-complainant.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of cross case in FIR No. 0086 dated 26.03.2015 under Sections 147, 149, 341, 506 and 120-B of the Indian Penal Code, 1860 and Section 25 and 30 of the Arms Act, 1959 registered at Police Station Dadri City, District Bhiwani (now District Charkhi Dadri) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 21.12.2021, the following order was passed:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.0086 dated 26.03.2015 (Annexure P-1) registered under Sections 147, 149, 341, 506, 120-B IPC and

Sections 25 and 30 of the Arms Act, 1959 at Police Station Dadri City, District Bhiwani (now District Charkhi Dadri) and all other consequential proceedings arising therefrom on the basis of compromise deed dated 28.11.2021 (Annexure P-2).

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

Notice of motion.

On the asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, accepts notice on behalf of respondent no.1. Mr.Sumit Sangwan, Advocate appears on behalf of respondent no.2 and admits the factum of compromise.

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

Adjourned to 25.01.2022.

To be heard along with CRM-M-53260-2021.”

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Charkhi Dadri to the Registrar of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

It is submitted that order received from the Hon'ble High Court Punjab and Haryana in CRM-M-53502-2021 with the direction for recording the statements of parties. The complainant Rakesh Kumar and accused persons Surender, Sunil, Hari Prashan, Sameer and Gyanender are present in the Court. They submitted their joint statement before the Court that the matter has been compromised between the parties. The original statement of accused persons Surender, Sunil, Hari Prashan, Sameer and Gyanender and complainant Rakesh Kumar, are hereby attached with the report. It is hereby reported that the compromise between the parties is genuine, total accused in the FIR are namely Surender, Sunil, Hari Prashan, Sameer and Gyanender and they have been charge sheeted in the case. They are not proclaimed offender in the case. The case is at the Stage of prosecution evidence. The victim/complainant is only Rakesh Kumar in the case. The list of the cases pending or decided against the present accused is hereby attached as annexure-A. It is requested hereby that compliance report as per order dated 21.12.2021 passed by the Hon'ble High Court be accepted.

Thanking you, ”

A perusal of the said report would show that 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 is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that none of the petitioners were declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. 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”*, 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. 0086 dated 26.03.2015 under Sections 147, 149, 341, 506 and 120-B of the Indian Penal Code, 1860 and Section 25 and 30 of the Arms Act, 1959 registered at Police Station Dadri City, District Bhiwani (now District Charkhi Dadri) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioners.

February 15th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No