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

CRM-M-50870-2022

Date of decision : 06.12.2022

Subodh Mandal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parunjeet Singh, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Imran Ahmad Ali, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.31 dated 30.01.2022 registered under Section 379 of the Indian Penal Code, 1860 (Section 411 of IPC has been added later on) at Police Station GRP Ambala, District GRP Ambala Cantt and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.11.2022, this Court had passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.31 dated 30.01.2022 registered under Section 379 of the Indian Penal Code, 1860 (Section 411 of IPC has been added later on) at Police Station GRP Ambala, District GRP Ambala Cantt and all the subsequent

proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 06.12.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State.

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.”*

In pursuance of the abovesaid order, a report has been submitted by the Special Railway Magistrate, Ambala Cantt. The relevant portion of the said report is reproduced hereinbelow:-

<i>1)</i>	<i>Number of persons arrayed as accused</i>	<i>Two accused (i) Subodh Mandal (ii) Hardeep Singh</i>
<i>2)</i>	<i>Whether any accused is proclaimed offender?</i>	<i>No</i>

3)	<i>Whether the compromise is genuine, voluntary and without any coercion or undue influence?</i>	<i>Complainant Mohd. Azharuddin and accused Subodh Mandal have admitted that the compromise has been effected by them. The compromise statements appear to be genuine and valid. I am satisfied that the compromise has been arrived at with the free consent of the parties and without any undue influence or coercion from any side.</i>
4)	<i>Whether the accused persons are involved in any other FIR or not?</i>	<i>As per statement of accused and the IO, except the present case, no other criminal case, inquiry or investigation is pending against the accused Subodh Mandal.</i>
5)	<i>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.</i>	<i>Statement of Investigating Officer has been recorded and point-wise answers have been duly noted by the undersigned.</i>

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 is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

A perusal of the above report would show that in addition to petitioner, there is one more accused Hardeep Singh and the present petition has been filed only on behalf of the petitioner i.e. Subodh Mandal.

Learned counsel for the petitioner has submitted that the petitioner was not declared proclaimed offender in the present case.

Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for the petitioner has also submitted that the compromise is effected only with the present petitioner 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.

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 two parties.

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 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**”, 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.31 dated 30.01.2022 registered under Section 379 of the Indian Penal Code, 1860 (Section 411 of IPC has been added later on) at Police Station GRP Ambala, District GRP Ambala Cantt and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

06.12.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No