

296-A

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

CRM-M-52964-2022

Date of decision : 05.12.2022

Karam Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Narender Kaajla, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Gurmail Singh Duhan, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.43 dated 14.10.2022, registered under Sections 294, 295-A IPC and Section 72-C(b) of the Punjab Excise Act, 1914, Haryana Amendment Bill, 2020, at Police Station GRP Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise.

On 24.11.2022, this Court had passed the following order:-

“This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case which is now stated to be listed for 05.12.2022.

Learned counsel for the applicant-petitioners as well as learned counsel for respondent No.2 have jointly submitted that the matter has been compromised between the parties and

have thus prayed that the present case be preponed to an early date.

Learned State counsel has submitted that the respondent-State has no objection in case the present application is allowed and the date of hearing is preponed.

In view of the above, the application is allowed and the date of hearing in the main case is preponed from 05.12.2022 to today and the same is taken up on Board.

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This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.43 dated 14.10.2022, registered under Sections 294, 295-A IPC and Section 72-C(b) of the Punjab Excise Act, 1914, Haryana Amendment Bill, 2020, at Police Station GRP Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise.

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

Notice of motion for 05.12.2022.

On the asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, accepts notice on behalf of respondent No.1 and Mr. Gurmail Singh Duhan, Advocate, appears and accepts notice 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 one week days from today.

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 Judicial Magistrate Ist Class, Kurukshetra. The relevant portion of the said report is reproduced hereinbelow:-

“In view of the joint statement of the parties, this court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.

As per separately recorded statement of Investigating Officer SI Raj Kumar, No.928, PS GRP, Ambala Cantt, there are only two accused in the present case namely SI Karam Singh No.741 and SI Isham Singh No.498; no accused has been declared proclaimed offender; both the accused have not been found involved in any other FIR and there is only one victim/complainant namely SPO Angrej Singh Singh in this FIR.”

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.

Learned counsel for the petitioners has submitted that the petitioners were 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 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 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**”, 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.43 dated 14.10.2022, registered under Sections 294, 295-A IPC and Section 72-C(b) of the Punjab Excise Act, 1914, Haryana Amendment Bill, 2020, at Police Station GRP Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

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

05.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**