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

CRM-M-53295-2022

Date of decision : 05.12.2022

Shraddha Khandelwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Vishal Malik, AAG, Haryana.

Ms. Divya Arora, Advocate for

Dr. Pankaj Nanhera, 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.382 dated 24.09.2021, registered under Sections 120-B, 384 and 420 IPC, at Police Station DLF, District Gurugram and all other consequential proceedings arising therefrom on the basis of compromise.

On 18.11.2022, this Court had passed the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.382 dated 24.09.2021, registered under Sections 120-B, 384 and 420 IPC, at Police Station DLF, District Gurugram and all other consequential 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 05.12.2022.

On the asking of the Court, Mr. Praveen Bhadu, AAG,

Haryana, accepts notice on behalf of respondent No.1 and Mr. Ajay Nain, 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 two weeks 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 Link to Chief Judicial Magistrate/ACJM Gurugram. The relevant portion of the said report is reproduced hereinbelow:-

“6. However, in view of statements of the complainant, accused persons and the Investigating Officer, undersigned would like to report that:

a) As per the statement of the investigating officer, there are two accused persons namely, Shraddha Khandelwal, daughter of Jugal Kishore Khandelwal, resident of Puti Ernerald Bay 708, 7th Floor, Sector- 63, Gurugram and Rajesh Bhatt and one criminal case is pending against accused Shraddha Khandelwal bearing FIR No. 335 dated 11.12.2021 under Sections 67, 67A of IT Act, P.S. Sarai Khawaza, Faridabad.

b) No accused is proclaimed offender in the present case.

c) There is only one complainant/victim in the present case namely, Sh. Pradeep Aggarwal S/o late Sh. R.K. Aggarwal, resident of Villa No. 236-B, Block-A, Sushant Lok-1, Gurugram.”

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 abovesaid report would show that in addition to the petitioner, there is one more accused i.e. Rajesh Bhatt.

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 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.

Learned counsel for the petitioner and respondent No.2 have jointly submitted that the present petition has been filed by one accused i.e. the present petitioner as the compromise has been effected with him and have relied upon the judgment of the Hon'ble Supreme Court titled as

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.

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.382 dated 24.09.2021, registered under Sections 120-B, 384 and 420 IPC, at Police Station DLF, District Gurugram and all other consequential 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.

05.12.2022
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**