IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRM-M-56041-2022
Date of decision:19.12.2022

Raj Singh @ Raju

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sumit Kumar, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ajay Dahiya, Advocate for
Mr. Malkit Singh Hundal, Advocate respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.430 dated 16.11.2018 registered under Section 506 IPC and Sections 25-54-59 of the Arms Act, 1959 at Police Station Chandhat, District Palwal (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise.

On 02.12.2022, this Court was pleased to pass the following order:-

> *"This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.430 dated 16.11.2018 registered under Sections 506 IPC and Sections 25-54-59 of the Arms Act, 1959 at Police Station Chandhat, District Palwal 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 19.12.2022.*
>
> *On the asking of the Court, Mr.Praveen Bhadu, AAG, Haryana accepts notice on behalf of respondent no.1. Mr. M.S.*

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Hundal, Advocate, appears on behalf of complainant-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 12 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.*

(VIKAS BAHL)
December 02, 2022 *JUDGE"*

In pursuance to the said order, a report has been submitted by Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Palwal. The relevant portion of the said report is reproduced hereinbelow:-

"3. Report in original regarding the compromise between the parties are being sent to the Hon'ble High Court for kind perusal and further necessary action as required by the Hon'ble High Court vide order 02.12.2022. The copies regarding the compromise and the statements of both parties placed on the case file for further record. It is also pertinent to mention here that the compromise entered into between the present parties appears to be genuine and authentic and entered into with their free will and consent and without any fear or pressure of any kind from any corner. Moreover, it is also pertinent to mention here that in the present case file there is only one accused person namely Raj Singh @ Raju (accused persons/petitioners). There is no other complainant except Shailender son of Budhi (Informant/ respondent). Only affected party left is the State to whom opportunity was given to say something but to no avail."

A perusal of the above said report would show that the petitioner and complainant-respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

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

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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",* 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

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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."*

In view of what has been discussed hereinabove, this petition is allowed and FIR No.430 dated 16.11.2018 registered under Section 506 IPC and Sections 25-54-59 of the Arms Act, 1959 at Police Station Chandhat, District Palwal (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner.

(VIKAS BAHL)
JUDGE

19.12.2022
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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