

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(276)

CRM-M-46997-2019

Date of decision: - 12.07.2022

Salauddin and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Rosi, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

None for respondents No.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.701 dated 30.08.2019, registered under Sections 148, 149, 323 and 324 IPC (Sections 325 and 326 have been added later on), at Police Station Nuh, District Nuh (Mewat) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 14.11.2019, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.701 dated 30.08.2019 for offence punishable under Sections 148, 149, 323, 324 of the Indian Penal Code, 1860 (Sections 325 and 326 IPC added later) registered with Police Station Nuh, District Nuh (Mewat) and proceedings emanating therefrom on

the basis of compromise (Annexure P2) arrived at between the parties.

Notice of motion for 16.04.2020.

Mr. Gaurav Bansal, AAG, Haryana accepts notice on behalf of respondent – State while Ms. Anu Bala Garg, Advocate has appeared on behalf of respondents No.2 to 4.

Counsel for the petitioners is directed to supply copy of the paperbook to counsel opposite during course of the day.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 30 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.*

(ARVIND SINGH SANGWAN)
JUDGE

14.11.2019.”

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

“Report as desired by the Hon'ble High Court is submitted as under:

- 1. Total persons arrayed as accused persons in FIR are eleven (11) namely Saluddin s/o Mouj Khan, Hassa, s/o Rajju, Nasru s/o Mehzar, Nabab s/o Najar, Sabbir s/o Samsu, Shokin s/o Umari, Shokat s/o Umari, Samsu s/o Mehzar, Subey Khan s/o Mehzar, Hakam s/o Nasru, Sakeel s/o Faijan but report under section 173 Cr.PC was*

filed against two persons namely Subey Khan s/o Mehjar and Shokeen s/o Umari.

- 2. None of accused person is proclaimed offender.*
- 3. The compromise is genuine, voluntary and without any coercion and undue influence.*
- 4. No criminal case is pending against the accused persons.*
- 5. As per report of investigating officer, complainant is Naim s/o Ali Mohd and other injured/victim are Sabir s/o Jaikam and Juned s/o Jaikam.*

Report submitted please.

Thanking you.

*Yours faithfully,
(Mohit)
JMIC, Nuh.)”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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, this petition is allowed and FIR No.701 dated 30.08.2019, registered under Sections 148, 149, 323 and 324 IPC (Sections 325 and 326 have been added later on), at Police Station Nuh, District Nuh (Mewat) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

July 12, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No