

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54942-2022

Date of decision:20.12.2022

Ajay and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Ishita Jain, Advocate for
Mr. Namit Khurana, Advocate for the petitioners.

Mr. Vishal Malik, DAG, Haryana.

Mr. Sandeep Sharma, Advocate for respondents No.2 & 3.

VIKAS BAHL, J.(ORAL)

This is second petition filed under Section 482 Cr.P.C. for quashing of FIR No.661 dated 05.08.2018 registered under Sections 307,323,452,506,34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act and Sections 3 (2)(v) of SC & ST Act, at Police Station Karnal Civil Lines, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise.

On 30.11.2022, this Court was pleased to pass the following order:-

“This is second petition filed under Section 482 Cr.P.C. For quashing of FIR No.661 dated 05.08.2018 registered under Sections 307,323,452,506,34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act and Sections 3(2)(v) of SC & ST Act, at Police Station Karnal Civil Lines, District Karnal and all the subsequent 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. It is further submitted that in the present case, no injury has been caused to any person and thus, offence under Section 307 of IPC is not prima facie made out.

Notice of motion for 20.12.2022.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and Mr. Sandeep Sharma, Advocate appears on behalf of respondent Nos.2 and 3 and has also reiterated the abovesaid facts as stated by learned counsel for the petitioners.

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.*

*(VIKAS BAHL)
JUDGE”*

November 30, 2022

In pursuance of the said order, a report has been submitted by Additional District & Sessions Judge, Karnal. The relevant portion of the said report is reproduced hereinbelow:-

“(3)Similarly, complainant Sher Singh and Shyama have made their respective statements regarding the compromise. In view of the statements made by the parties on 12.12.2022, the compromise appears to be genuine, voluntarily and without any coercion.

(5) As per the statement dated 12.12.2022 of SI Karambir Singh, investigating officer of the present case, the complainant/injured Sher Singh is the victim in this FIR.

Report submitted herewith.”

A perusal of the above said report would show that the petitioners, respondents No.2 and 3 have appeared and suffered statements

with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were 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 petitioners.

Learned counsel for respondents No.2 and 3 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***”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.661 dated 05.08.2018 registered under Sections 307,323,452,506,34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act and Sections 3 (2)(v) of SC & ST Act, at Police Station Karnal Civil Lines, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

20.12.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No