

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49115-2019(O&M)

Date of decision : 25.03.2022

Naresh Kumar Aggarwal and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Mohit Sadana, Advocate
for the petitioners.

Mr.Pradeep Prakash Chahar, DAG, Haryana.

Mr.Tanmoy Gupta, Advocate
for complainant-respondent no.4.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.232 dated 29.05.2019 registered under Sections 323, 452, 506, 120B, 34 IPC at Police Station Sector 14, Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise.

On 31.01.2020, a coordinate Bench of this Court was pleased to pass the following order:-

"Petitioners seek quashing of FIR on the basis of compromise.

Since both the parties have resolved their differences by way of amicable settlement, therefore, it would be just and expedient to continue the rigor of order dated 19.11.2019, whereby, both the parties were directed to appear before the Illaqa Magistrate/ trial Court on 28.11.2019 for recording their statements in the context of genuineness of the compromise in question.

Since the parties could not appear before the concerned

Court, therefore, one more indulgence is granted to the parties to appear before the Illaqa Magistrate/ trial Court on 10.2.2020 and make statements in the context of genuineness of the compromise.

List again on 12.3.2020.

January 31, 2020

**(RAJ MOHAN SINGH)
JUDGE”**

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Gurugram. The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

In reference to the order dated 31.01.2020 passed by the Hon'ble High Court of Punjab and Haryana, Chandigarh in CRM-M-49115-2019 in case titled "Naresh Kumar Aggarwal and another Versus State of Haryana and others", I have the honor to submit that both the parties i.e. Naresh Aggarwal, Neha Aggarwal and Vipin Gupta appeared before the Court of undersigned on 10.02.2020 and their statement qua compromise was recorded. They also placed on record the settlement agreement Ex. A before Mediation and Conciliation Centre before Hon'ble Punjab and Haryana High Court, Chandigarh. The matter has been compromised by the parties voluntarily with their free will.

However, it is pertinent to mention here that there are others accused in the present case in FIR No. 232/2019 i.e. Ajay Dahiya, Sanjeet and Ramesh but there is no such compromise with these accused.

The undersigned has honor to submit the above report of the compromise for the kind perusal of your honor and for further order.

Submitted please.

*(Sonia Sheokand)
Judicial Magistrate First Class
Gurugram. ”*

A perusal of the above said report would show that the petitioners and complainant-respondent no.4 have appeared and have suffered statements with respect to the compromise, which have been found

to be voluntary, genuine, voluntary and out of free will.

Learned counsel for the petitioners as well as learned counsel for respondent no.4 have submitted that in the present case, there are five accused out of which compromise has been effected with two accused who have filed the present petition and thus, the present case is a case of partial compromise. Learned counsel for the petitioners has 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 where there is a partial compromise with some of the accused then also, the proceedings against the said petitioner/accused should be quashed as the same would not even remotely result in conviction of the said accused.

Learned counsel for the petitioners has also relied upon the judgment dated 04.07.2019 passed in CRM-M-16318-2018 titled as ***Dalip Mandal and another Vs. State of U.T., Chandigarh and others*** in which case, the Co-ordinate Bench of this Court was pleased to allow the petition qua the petitioners only although, the matter had not been compromised between all the parties.

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 respondent no.4 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.232 dated 29.05.2019 registered under Sections 323,

452, 506, 120B, 34 IPC at Police Station Sector 14, Gurgaon and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

Pending miscellaneous application, if any, shall stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

March 25, 2022.
Davinder Kumar

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