

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-50873-2019
Decided on : 27.07.2022

Dr. Rajveer Singh

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Salil Sabhlok, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Abhishek Singh, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 169 dated 23.03.2019 under Sections 406 and 506 of the Indian Penal Code, 1860 registered at Police Station Palam Vihar, District Gurugram, Haryana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

On 02.12.2019, a coordinate Bench of this Court was pleased to pass the following order:-

“The present petition has been filed for quashing of FIR No. 169 dated 23.03.2019 registered under Sections 406, 506 IPC at Police Station Palam Vihar, District Gurugram, Haryana and all subsequent proceedings on the basis of compromise.

Notice of motion for 17.04.2020.

On asking of the Court, Mr. Chetan

Sharma, AAG, Haryana, accepts notice on behalf of the State. Mr. Abhishek Singh, Advocate accepts notice on behalf of the complainant-respondent No.2.

Learned counsel for the petitioner is directed to supply copies of the paper book to the opposite counsel during course of the day.

Let the parties now appear before the trial Court/Illaq Magistrate on 17.01.2020 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties before the next date of hearing. It shall also be reported whether petitioner(s) have been declared Proclaimed Offender(s) in this case or not.

Since the parties have shown inclination to settle the dispute amicably, therefore, it would not be unjustified to protect the petitioner against his arrest till the next date of hearing. Accordingly, it is ordered that till the next date of hearing, the petitioner shall not be arrested regarding the present case.

*Sd/-
(RAJBIR SEHRAWAT)
JUDGE”*

01.12.2019

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

“(II) The complainant and the accused have clearly stated that they have entered into the compromise voluntarily and without any pressure and coercion in any manner. The parties were duly identified by their counsel.

(III) As per the statement of I.O. ASI Jagmal Singh No. 269. GGM case FIR has been registered at the instance of one complainant namely Sombir Malik against one accused namely Dr. Rajveer Singh only. The accused has not been declared proclaimed offender in this case at any point of time.

(IV) After going through the contents of the statements of complainant and accused, this Court is of the considered view that the compromise between the parties has been reached voluntarily and the same is genuine and without any coercion or undue influence. The parties have also made their respective statements voluntarily with regard to their compromise, which has been reached without any threat, inducement, pressure, coercion or undue influence in any manner.

The original statements of the parties i.e. of the complainant and of accused as well as of I.O. are enclosed herewith for the kind perusal of the Hon'ble High Court.”

A perusal of the above report would show that it has been stated that the statements of the complainant as well as the petitioner have been recorded in the case and they 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.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that the abovesaid facts are 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.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court as well reply submitted on behalf of the State, this Court finds that the matter has been amicably settled between the petitioner and the complainant and the present FIR having been compromised deserves to be quashed. 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, the petition is allowed and FIR No. 169 dated 23.03.2019 under Sections 406 and

506 of the Indian Penal Code,1860 registered at Police Station Palam Vihar, District Gurugram, Haryana (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise, are ordered to be quashed, qua the petitioner.

27.07.2022

Mehak

(VIKAS BAHL)
JUDGE

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