

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.255

CRM-M-52678-2019

Date of Decision: August 23, 2022

Satvir Singh @ Sarjit and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Rakesh Sobti, Advocate for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Pardeep, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0176, dated 15.04.2014, under Sections 418, 420, 467, 468, 471 and 120-B of the Indian Penal Code, registered at Police Station City Palwal, District Palwal, and all other consequential proceedings arising therefrom on the basis of the compromise dated 08.11.2019 (Annexure P-2).

On 10.12.2019, this Court had passed the following order:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.0176 dated 15.04.2014 registered under Sections 418, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station City Palwal, District Palwal.

Notice of motion for 23.04.2020.

At the asking of the Court, Ms. Tanushree Gupta, DAG, Haryana accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel,

in the Court.

At this stage, Mr. Neeraj Poswal, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on or before 03.01.2020 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate 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 in FIR.*
- 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 case 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.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court”

Pursuant to the aforesaid order, report dated 14.01.2020 has been received from Judicial Magistrate Ist Class, Palwal. The said report is reproduced as under:-

- “1. Total number of the accused : 04 (Four)*
- 2. Statement of the parties : Statement of one complainant and four accused duly recorded and attached with the report.*
- 3. Report :*
(I) As per the order of the Hon'ble High Court, Chandigarh

dated 10.12.2019 in the case titled “Satvir @ Sarjeet and others vs State of Haryana and another in CRM-M-52678-2019, this Court was directed to record the statements of all the parties i.e. the complainant and the accused persons on 03.01.2020. The complainant namely Santram as well as the accused namely Satbir, Sabarjeet, Sirichand @ Siria and Bhagchand appeared before the Court on 03.01.2020. Statement of all these parties recorded in the Court after being satisfied about their voluntariness.

(II) All the parties have clearly stated that they have entered into the compromise voluntarily, without any pressure.

(III) The complainant as well as the accused were duly identified by their counsels i.e. Sh. U.S. Dahiya, Advocate for complainant, Sh. K.K. Gupta, Advocate for accused.

(IV) In the present FIR no.176 dated 15.04.2014 case, Satbir @ Sarjeet, Siri Chand @ Siria, Sabarjeet, Anil, Kumarpal and Bhagchand were named as accused, under Sections 418, 420, 467, 468, 471, 120-B of IPC but challan was filed twice by police and that the first challan was against accused Bhagchand and Satbir @ Sarjeet whereas the second challan was against accused Siri Chand @ Siria and Sabarjeet. As per record none of accused has been declared as P.O. or is absconding in the present case.

(V) This court is of the considered view that the compromise has been reached voluntarily between the parties and all the parties have made their statements voluntarily without any threat, inducement or pressure.

The original statements of the parties i.e. of the complainant and accused are enclosed herewith for the kind perusal of the Hon'ble High Court, Chandigarh.

*(Pracheta Singh)
Judicial Magistrate 1st Class,
Palwal/03.01.2020
UID-HR-0344”*

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed. It is stated in the report that there are four accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused has been declared as proclaimed offender or is absconding in the present case.

I have heard learned counsel for the parties and have also gone through the case 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 complainants. Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view that the same was 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 the above, the petition is allowed and FIR No.0176, dated 15.04.2014, under Sections 418, 420, 467, 468, 471 and 120-B of the Indian Penal Code, registered at Police Station City Palwal, District Palwal, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

August 23, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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