

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-4688-2023 (O&M)
Date of decision: 13.09.2023

Vinod Bindal

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Maan Akashdeep Singh, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

Mr. A.S. Maan, Advocate for respondent No.2

AMAN CHAUDHARY. J.

1. The present petition has been filed for quashing of FIR No.948, dated 19.10.2022, registered under Section 384 IPC and Sections 3 (1) (R) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, at Police Station Assandh, District Karnal, and all other consequential proceedings arising therefrom on the basis of the compromise dated 06.12.2022 (Annexure P-3).

2. Learned counsel submits that the complaint against the petitioner was submitted by respondent No.2 to his senior, arrayed as respondent No.3 in the present petition, and the same was sent by him to the police. For all intents and purposes, respondent No.2 is the victim-complainant and aggrieved against the petitioner. There is a compromise that has been arrived at between them. Reliance is placed on the judgment passed by Hon'ble The Supreme Court in the case of **Ramawatar vs. State of Madhya Pradesh**, liveLaw 2021 SC 589.

3. Heard learned counsel for the parties and also gone through the case

file.

4. This Court vide order dated 09.08.2023 had directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

5. Pursuant to the aforesaid order, report dated 05.09.2023 has been received from the learned Sub Divisional Judicial Magistrate, Assandh. 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 them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there is one accused. He has not been declared as proclaimed offender and is not involved in any other FIR.

6. Hon'ble the Supreme Court in the case of **Ramawatar** (supra), held thus:

“ XX XX XX

12. In view of the settled proposition of law, we affirm the decision of this Court in **Ramgopal and Anr. vs. The State of Madhya Pradesh** and re-iterate that the powers of this Court under Article 142 can be invoked to quash a criminal proceeding on the basis of a voluntary compromise between the complainant/victim and the accused.

13. We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub-judice before an appellate court. The pendency of legal proceedings, be that may before the final Court, is sine-qua-non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have

already clarified that the purpose of these extra-ordinary powers is not to incentivise any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

xx xx xx

16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.”

7. The Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab**, 2007 (3) RCR (Criminal) 1052, 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.

8. Hon'ble the Supreme Court in the case of **Gian Singh vs. State of Punjab and another**, 2012 (4) RCR (Criminal) 543, had 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 reads thus:-

“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”

9. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

10. Resultantly, the present petition is allowed and FIR No.948, dated 19.10.2022, registered under Section 384 IPC and Sections 3 (1) (R) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, at Police Station Assandh, District Karnal, and all other consequential proceedings arising therefrom are quashed qua the petitioner on the basis of the compromise dated 06.12.2022.

(AMAN CHAUDHARY)
JUDGE

September 13, 2023
M.Kamra

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