

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-7993-2021 (O&M)

Date of decision: 20.01.2023

SURENDER @ CHHINDA AND ANR

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Garvit Mittal, Advocate for
Mr. Ravinder Malik, Advocate
for the petitioners.

Mr. Rajeev Anand, APP for U.T. Chandigarh.

Mr. Aman Nain, Advocate for
Mr. Sanjeev Sharma, Advocate
for respondent No.2.

AMAN CHAUDHARY. J.

Present petition has been filed for quashing of FIR No.345, dated 26.06.2020, under Sections 406 and 420 of IPC and Sections 10, 24 of the Emigration Act, 1983 (Sections 120-B, 344, 370, 371, 386 of IPC and Section 12 of Passport Act were added later by the police), registered at Police Station Pehowa, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of the compromise dated 12.02.2021 (Annexure P-2).

Learned counsel for the petitioners relies on the judgments passed by this Court in CRM-M-33091-2020 decided on 12.10.2020; CRM-M-34418-2022 decided on 10.11.2022; CRM-M-29568-2020 decided on 17.02.2021 and CRM-M-24799-2021 decided on 27.09.2021, wherein FIRs registered under Section 370 IPC had been quashed on the basis of compromise.

Notice of motion was issued on 19.02.2021 and both the parties were

directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order, report dated 05.04.2021 has been received from the Additional District and Sessions Judge, Kurukshetra. 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 and the compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are two accused. None of them has been declared as proclaimed offender and Accused Surender @ Chhinda is involved in other FIRs.

I have heard learned counsel for the parties and have also gone through the case file.

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.

Hon'ble The Supreme Court of India 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”

This Court in CRM-M-34418-2022 decided on 10.11.2022 quashed the FIR registered for an offence under Section 370 IPC while observing thus:-

“Having regard to the contentions of learned counsel for the parties and the fact that both the parties to the litigation have entered into compromise and on that basis, the present petition under Section 482 Cr.P.C. has been filed for quashing the present FIR. The compromise has been arrived at with the intervention of the respectables and family members and the parties have decided to keep harmony between them and to live peacefully in future. Hence, it would be in the interest of justice that parties are allowed to compromise the matter. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.”

In view of the judgments referred to above, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant(s), this Court finds that quashing the FIR offences 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.

Resultantly, the present petition is allowed and FIR No.345, dated 26.06.2020, under Sections 406 and 420 of IPC and Sections 10, 24 of the Emigration Act, 1983 (Sections 120-B, 344, 370, 371, 386 of IPC and Section 12 of Passport Act were added later by the police), and all other consequential proceedings arising therefrom on the basis of the compromise dated 12.02.2021 (Annexure P-2), are quashed qua the petitioners.

(AMAN CHAUDHARY)
JUDGE

January 20, 2023

M.Kamra/S.Sharma(syr)

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