

256 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7873-2023

Date of decision: 04.09.2023

VIKAS KUSH AND ORS.

...Petitioners

VERSUS

STATE OF HARYANA AND ANR.

...Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Jagdeep Singh Rana, Advocate for
for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Ankur Tyagi, Advocate
for respondent No.2.

NIDHI GUPTA, J.(ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.291 dated 08.07.2020 under Sections 498-A, 323, 377, 376, 506 and 406 of IPC, 1860 registered at Police Station Ganaur, District Sonapat Haryana, (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise/settlement dated 28.01.2022 (Annexure P-2).

Pursuant to the order dated 31.07.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Ganaur, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Ganaur, has submitted his report along with copies of the statements of the parties vide letter dated 16.08.2023 duly forwarded by the learned District and Sessions Judge, Sonipat.

A perusal of the above said report would show that the petitioners and respondent No.2 have appeared and suffered statements with

respect to the compromise, which have been found to be voluntary, without any fear or pressure.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender in the present case.

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.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 concerned Magistrate, this Court finds that the matter has been amicably settled between the petitioners and respondent No.2. 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 offences and quash the proceedings 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 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 accordance 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.291 dated 08.07.2020 under Sections 498-A, 323, 377, 376, 506 and 406 of IPC, 1860 registered at Police Station Ganaur, District Sonapat Haryana, (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

September 04, 2023

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**(NIDHI GUPTA)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No